

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20909 of 2017

Arising Out of PS.Case No. -466 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Prashant Kumar @ Sandip Kumar, son of Sri Raj Kumar Gupta, resident of
Village- Sugauli, Ward No.17, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

For the Informant : Mr. Umesh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 01-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 24.03.2017 passed by the 9th Additional Sessions Judge, East Champaran, Motihari, in Sessions Trial No.577 of 2016 arising out of Sugauli P.S. Case No.466 of 2014, by which learned Additional Sessions Judge has rejected the petition filed by the Petitioner for his discharge under Section 227 of the Code of Criminal Procedure.

2. Counsel for the Petitioner has submitted that there is no eye witness in the case. His name has come merely on the basis of confessional statement of the co-accused.

3. Counsel for the Informant has appeared.



4. Learned APP and the counsel for the Informant have submitted that on the basis of confessional statement made by this petitioner looted articles have been recovered and the same was put on Test Identification Parade and was identified by the Informant.

5. Learned counsel for the Informant has further submitted that aforesaid confessional statement of the petitioner will be admissible in evidence since it has resulted in recovery of the looted articles, which has subsequently been identified by the Informant in Test Identification Parade.

6. Case diary has been received.

7. Learned APP has submitted that in the case diary in para 40 name of this petitioner has been disclosed by co-accused Arun Kumar and thereafter this petitioner has been arrested and his confessional statement was recorded in para 56 of the case diary in which he has disclosed before the police about the place where he has thrown the looted articles. The police thereafter recovered looted articles as mentioned in para 61 of the case diary and prepared seizure list. Those articles were kept on Test Identification Parade as mentioned in para 200 of the case diary and the Informant identified those articles in Test Identification Parade.

8. In view of such, this Court finds sufficient material



against this petitioner to frame Charge against him.

9. Therefore, this Court does not find any illegality in the impugned order passed by the learned Court below.

10. The application is, accordingly, dismissed.

11. The Court below will proceed with the trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13-11-2017
Transmission Date	13-11-2017

