

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51129 of 2014

Arising Out of PS.Case No. -74 Year- 2011 Thana -MADHEPUR District- MADHUBANI

=====

1. Chandeshwar Yadav @ Chande Yadav Son of Kusheshwar Yadav,
resident of village- Parikonch, P.S.- Marauna, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman

For the Opposite Party/s : Mr. P.N.Pandit(App)

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 02-01-2018 Heard learned Counsel for the petitioners as well as the
learned Counsel for the State.

The petitioner seeks quashing of the order dated 1.11.2014 passed by the learned Additional Sessions Judge, IVth, Madhubani in Sessions Trial No. 741 of 2013 arising out of Madhepur PS Case No. 74 of 2011, whereby the petition filed for discharge under Section 227 of the Code of Criminal Procedure has been rejected.

Learned Counsel for the petitioner submits that the petitioner is not named in the FIR, there is no any specific allegation against him in the entire case diary and as a result of case and counter case the petitioner's name has been later on implicated.

Having considered the rival submission and on perusal of the record it appears that in re-statement the informant has named the petitioner as one of the assailants, who assaulted over the head of the



deceased with a piece of brick causing head injury and the post mortem report of the deceased also indicates cause of the death as internal hemorrhage and shock as a result of head injury. So there was prima facie specific material for framing charge against the petitioner also under Section 302 IPC besides other accused persons.

Hence, the application stands dismissed.

(Arun Kumar, J.)

Snkumar/-

U		T	
---	--	---	--

