

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7248 of 2018

Arising Out of PS.Case No. -247 Year- 2015 Thana -JAHANABAD District- JEHANABAD

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Yogendra Sharma, son of Shyamdev Sharma, resident of village- Asiyama, P.S.-
Kako, District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Informant : Mr. Sunil Kumar, Advocate

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the petitioner and learned counsel
for the State being duly assisted by the learned counsel for the
Informant.

2. This application under Section 482 of Code of Criminal
Procedure (for short 'Cr.P.C.') has been filed by the petitioner for
quashing the order dated 08.12.2017 passed by the learned Additional
Sessions Judge-1, Jehanabad in Sessions Trial no. 274 of 2017 arising
out of Jehanabad P.S. Case No. 247 of 2015 whereby and whereunder
the application preferred by the petitioner for discharge under section
227 of Cr. P.C. has been rejected.

3. Learned counsel for the petitioner submitted that save
and except hypothetical presumption and wild suspicion, there is no
other material to connect the petitioner with the offence alleged. He



submitted that though the petitioner is named in the First Information Report, in course of investigation, apart from the informant, no other witness came forward to support the case of the informant that the deceased was last seen with the petitioner.

4. On the other hand, learned counsel appearing for the State submitted that it is a case of circumstantial evidence. The informant has alleged in the First Information Report that the petitioner and his son Pankaj Kumar took away the brother of the informant on their motorcycle towards Jehanabad and shortly thereafter, he was killed. The informant has corroborated his allegation made in the First Informant Report in course of investigation and in that view of the matter no illegality can be found with the order.

5. I have heard learned counsel for the parties and carefully perused the record. I find substance in the submission made by the learned counsel for the State.

6. The petitioner is one of the named accused in the First Information Report in which the Informant has alleged that his brother went together with the petitioner and his son Pankaj Kumar, on motorcycle towards Jehanabad and the petitioner and his son in conspiracy with each other killed his brother by causing gun shot injury. The informant has supported his version made in the First



Information Report in course of investigation. The postmortem report also corroborates that the body of the deceased carried gun shot injury. The fact that the deceased was seen going together with the petitioner and his son on motorcycle soon before he was killed has also been supported by the witnesses before the supervising authority and the police found the allegation made against the petitioner to be true. In view of the materials available on record, if the trial court held that there is sufficient material to proceed against the petitioner, I see no illegality in the order impugned.

7. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-Sanjeev

AFR/NAFR	NAFR
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