

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46058 of 2016

Arising Out of PS.Case No. -697 Year- 2012 Thana -BHAGALPUR KOTWALI District-

BHAGALPUR

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Pawan Kumar Choubey, S/o Suresh Prasad Choubey,
resident of Mohalla: Manik Sarkar Ghat Road, P.S.:
Adampur, District- Bhagalpur, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-05-2018 The petitioner was made accused in connection with Kotwali (Adampur) P.S. Case No. Case No. 697 of 2012 for the offences punishable under Sections 147, 148, 149, 448, 452, 323, 504 and 506 of the Indian Penal Code.

In the aforesaid case, charge-sheet was submitted against the petitioner; whereupon cognizance was taken.

The prayer made on behalf of the petitioner before the Court below under Section 239 of the Code of Criminal Procedure, 1973 for his discharge was rejected *vide* order dated 14.09.2015 by the learned Chief Judicial



Magistrate, Bhagalpur.

Against the aforesaid order of refusal to discharge, the petitioner preferred a Cr. Revision No. 178 of 2015 before the learned District & Sessions Judge, Bhagalpur, which too stood dismissed *vide* order dated 02.05.2016.

The aforesaid revisional order is under challenge in the present proceeding.

Learned counsel for the petitioner has submitted that the F.I.R., on face of it, appears to have been lodged for *mala fide* reasons and there has been a delay in lodging of the F.I.R., which has caused prejudice to the petitioner. Apart from the aforesaid two grounds, it has also been submitted on behalf of the petitioner that the right procedure for investigation was not followed by the Investigating Officer and the investigation is absolutely unfair. There is a counter version of the occurrence as well.

This Court is afraid, no such ground appears evident from the F.I.R., the charge-sheet and the two orders referred to above.

There is no merit in this application.

Hence, it is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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