

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51995 of 2014

Arising Out of PS. Case No.-187 Year-2002 Thana- RAMNAGAR District- West Champaran

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1. Nageshwar Singh
 2. Satyendra Singh Both sons of Late Indrasan Singh resident of Village - Nadda, P.S. - Bhairoganj, District - West Champaran.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Lakhichand Manjhi son of Late Foujdar Manjhi resident of village - Chhougharoa Lakhan - Khot, P.S. Ramnagar, District - West Champaran.
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Senior Advocate
Mr. Vijay Kr. Singh No.I, Advocate
For the State : Mr. Sharda Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date : 15-03-2018

Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioners seek quashing of the order dated 29.11.2014, passed by learned Additional Sessions Judge, 2nd, Bagaha, West Champaran in Sessions Trial No.509 of 2014, arising out of Ramnagar P.S. Case No.187 of 2002 whereby the application filed for discharge under Section 227 Cr.P.C. was rejected.

3. Learned counsel for the petitioners submits that both the petitioners are not named in the FIR. Even during the entire investigation, none of the witnesses in their respective statements recorded under Section 161 Cr.P.C. have named these two persons regarding their presence and participation in the alleged offence. The petitioners have been falsely implicated in this case but the charge-sheet was submitted against them only on the basis of supervision note submitted by the Dy.S.P. in



paragraph-83 of the case diary. Moreover the two FIR named accused Pramod Singh and his son who are said to have shot at the deceased were not sent up for trial. The impugned order does not disclose that in which paragraph any evidence is found against these two petitioners.

4. Having considered the rival submissions and on perusal of the records, the Court does not find any reference made in the impugned order with regard to the evidence collected during investigation against petitioner contained in the case diary, so the impugned order is a non-speaking order hence, on that ground it is set aside and the trial court is directed to pass a fresh speaking order making discussion of relevant paragraphs if any evidence transpires against the petitioners. With these observations, the impugned order dated 29.11.2014, passed by learned Additional Sessions Judge, 2nd, Bagaha, West Champaran in Sessions Trial No.509 of 2014, arising out of Ramnagar P.S. Case No.187 of 2002 is set aside and the court below is directed to pass a fresh order within a period of one month from the date of receipt of a copy of this order.

5. The quashing application stands disposed of.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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