

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38104 of 2018

Arising Out of PS.Case No. -5 Year- 2011 Thana -CHHATAPUR District- SUPAUL

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1. Md. Firoj Alam, S/o Md. Jafir,
2. Md. Jafir, S/o Md. Sikandar,
Both Resident of Village- Narhaiya, P.S.- Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mohamad Alam, S/o Md. Sikandar, Resident of Village- Narhaiya, P.S.-
Chhatapur, District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioners. No one
appears for the State.

This application has been filed for setting aside the
order dated 17.04.2018 passed by the learned Additional Chief
Judicial Magistrate-III, Supaul in G.R. Case No.38 of 2011 by
which the application of the petitioners seeking their discharge
from Chhatapur P.S. Case No.5 of 2011 has been rejected.

Learned counsel for the petitioners submits that the



informant of the case is own uncle of the petitioner no.1 and brother of the petitioner no.2. It is submitted that the large number of disputes arising out of land disputes are pending between the parties and because of that the present F.I.R. was lodged. However, it is an admitted position that the petitioner no.1 had been engaged as a Panchayat Teacher in February, 2007 and he had resigned from this post in December, 2007.

After hearing learned counsel for the petitioners and on perusal of the records, this Court finds that at this stage when the petitioners are seeking discharge the basis of consideration by the learned trial court is not as to whether the petitioners would be convicted in ultimate analysis. At this stage the only requirement to be seen is that whether or not there are sufficient materials to proceed against the petitioners and whether those materials prima facie satisfy the ingredients of the offences alleged. The order dated 17.04.2018 passed by the learned court below is a well speaking order. It contains the reasons and on perusal thereof it appears that the court below has rejected the application of the petitioners after noticing the various paragraphs of the case diary in which the allegations against the petitioners have been supported by some of the witnesses. The veracity of the statements of the witnesses can be seen only in course of trial.



At this stage, this Court does not find any reason to interfere with the impugned order. The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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