

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.822 of 2016

Arising Out of PS. Case No.-311 Year-2013 Thana- PURNEA SADAR District- Purnia

Sikandar Yadav @ Sikandar Prasad Yadav S/o Late Mishri Pd. Yadav R/o
Mohalla- Professors Colony, Rambag, P.S.- Sadar, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Jharna Pal W/o Late Ram Krishna Pal R/o Prabhat Pathagar, P.S.- Sadar,
Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das

For the Opposite Party/s : Mr. P.K. Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 10-09-2018

This petition under Section 482 Cr. P. C. has been filed for quashing the order dated 23.9.2015 passed by the learned Additional District and Sessions Judge-2nd Purnea in Sessions Trial no. 1400/2013 arising out of Sadar P.S. case no. 311 of 2013 by which learned Court has dismissed the discharge petition filed on behalf of the petitioner under Section 227 of Cr. P.C.

Learned counsel for the petitioner has submitted that name of the petitioner has come during investigation on mere suspicion.

The counsel for the State has submitted that there are sufficient materials against this petitioner in the case dairy.



From perusal of the impugned order, it appears that during investigation it has come that there was agreement of sale of land between the petitioner and the deceased for which the deceased has paid the consideration amount. It has also come during investigation that this petitioner was also seen running away from the place of occurrence. Several witnesses, as mentioned in the impugned order, have taken the name of this petitioner before the police during investigation. The Court below has mentioned in the impugned order about various paragraphs wherein material has come against the petitioner. The learned Magistrate is only required to see whether there are sufficient material to frame charge in the case. In such circumstances, after looking into the impugned order, this Court does not find any illegality in the same.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

(Sanjay Priya, J)

shyambihari/-

AFR/AFR	AFR
CAV DATE	N/A
Uploading Date	15.9.2018
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