

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30419 of 2018

Arising Out of PS.Case No. -2676 Year- 2010 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. DR. OM PRAKASH LAL @ OM PRAKASH, S/o Late Dr. Shiv Prakash Lal, R/o Mohalla- Station Road, Basawa Path, Dalmia Nagar, P.S.- Dehri (Dalmia Nagar), District- Rohtas.

2. Dr Ankur Prakash S/o Dr Om Prakash Lal, Both are R/o Mohalla- Station Road, Basawan Path, Dalmia Nagar , P.S.- Dehri (Dalmia Nagar), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Anshu Ankit S/o Dr Dinesh Prasad Bhagat, R/o Mohalla- Station Road, Basawan Path, Dalmia Nagar , P.S.- Dehri (Dalmia Nagar), District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Adv.
Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2018 This application has been preferred by the petitioners seeking quashing of the order dated 18.07.2016 passed by the learned ACJM-III, Bettiah in Complaint Case No.2676(C)/2010, Tr.No.349/2016.

By the impugned order the learned court below has been pleased to dismiss the petition under Section 245 Cr.P.C. and rejected the prayer of the petitioners to discharge them from the present case.

It appears that the order dated 18.07.2016 passed by



the learned A.C.J.M.-III was challenged in revision before the learned Additional District & Sessions Judge-I, West Champaran at Bettiah in Cr.Rev.No.246 of 2016. The revision application has also been dismissed by holding that, at the stage of charge evidence PW-1, PW-2, PW-3 and PW-4 as also the complainant have been examined and all of them in their examination-in-chief have supported the complaint case. All the witnesses have deposed that the accused persons had taken Rs.4 lacs from the complainant for getting him admitted in medical. The learned Additional District & Sessions Judge-I has also found that there is no cross-examination on this point by the defence during the evidence before charge.

The learned revisional court has relied upon a judgment of this Court in the case of Chintamani Pandey Vs. State of Bihar reported in 2007 Criminal Law Journal 3577. It is stated that according to settled judicial pronouncements an application for discharge may be allowed only if the entire evidence even if it remains unrebutted, no offence whatsoever is made out.

Learned senior counsel representing the petitioners has submitted before this Court that the petitioners are persons of repute, they are doctors and in order to save their reputation alone they are willing to enter into a settlement.



However, learned counsel representing the complainant has opposed the application. Learned counsel for the complainant has submitted that at this stage on the face of the materials available on the record in form of evidence before charge no interference is required.

Learned counsel for the State is present.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that the order passed by the learned Additional District & Sessions Judge-I in revision application is a well reasoned order, no perversity could be pointed out by the learned senior counsel representing the petitioners, therefore, this application under Section 482 Cr.P.C. is not fit to be allowed.

This application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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