

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20884 of 2018

Arising Out of PS.Case No. -484 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

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1. Ramesh Kumar @ Ramesh Kumar Singh,
2. Rakesh Kumar Singh Both are Sons of Late Paras Singh, R/o Vill.-
Rakauli, P.S.- Raghunathpur, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 25-04-2018

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

Gone through the Annexure-1 in consonance with the
submission having made on behalf of petitioner.

It has been submitted on behalf of petitioners that no
charge under Section 138 N.I. Act as well as 406 of the IPC has
been framed against the petitioner rather they are being prosecuted
under Section 420 of the IPC. That being so, the order dated
13.07.2016 passed in Cr. Misc. No.25338/2016 (Annexure-1)
needs modification. In its continuity, it has also been submitted
that petitioners are under custody for approximately two years.

On the other hand, the learned Additional Public
Prosecutor refuted the submission made on behalf of petitioner
and submitted that scope of 216 Cr.P.C. is found always available



during course of trial to the trial court who will be in a position to amend the charge up to the stage of judgment.

This Court, for the present while adjudicating upon the terms and condition whatever been laid down under order dated 13.07.2016 in connection with Cr. Misc. No.25338/2016 (Annexure-1) is to see whether the condition so incorporated against the petitioners happens to be reasonable or not.

Considering the nature of the allegations, it looks reasonable and consequent thereupon instant petition lacks merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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