

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1242 of 2019

Arising Out of PS. Case No.-249 Year-2017 Thana- KUMAR KHAND District- Madhepura

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Anupam Kumar @ Chhotu S/o Upendra Paswan, Resident of Village-
Shivnagar Jamuaha, P.S.- Kumar Khand, District- Madhepur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Arvind Paswan, S/o Laxman Paswan, Resident of Village- Jamuaha, P.S.-
Kumar Khand Belari O.P. District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 18-11-2019 Heard Mr. Pawan Kumar, learned counsel for the

petitioner and Mr. Rana Randhir Singh, APP.

The petitioner seeks quashing of the order dated

19.11.2018 passed by the learned Additional Sessions

Judge-1st, Madhepura in connection with S.T. No. 111 of

2018, arising out of Kumar Khand P. S. Case No. 249 of

2017, whereby the prayer made on behalf of the petitioner



for his discharge has been rejected.

It appears that the nephew of the informant was done to death. Though the petitioner is not named in the F.I.R. but from the analysis of the Call Data Report (CDR), it transpired that the deceased had talked to the petitioner. In the statement under Sections 161 and 164 Cr.P.C., the petitioner has admitted that he had called the deceased on the telephone of one Jawahar, who is one of the main accused in this case. In the statement under Section 164 Cr.P.C., the petitioner has given an exculpatory statement. Nonetheless, what stands admitted is that the petitioner was in constant communication with the deceased prior to his being killed. Had it only been communication between two friends, the situation would have been different. In the present case, the communication is at the instance of the main accused who is said to have killed the deceased.

In that view of the matter, there does appear to be grave suspicion against the petitioner and whether he was part of the conspiracy or not can only be tested at the trial. As such, this Court is not inclined to interfere with the order



of the court below refusing to discharge the petitioner.

The petition is dismissed.

(Ashutosh Kumar, J)

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