

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10259 of 2015**

Arising Out of PS. Case No.-321 Year-2008 Thana- BHABHUA District- Kaimur (Bhabua)

Ainul Ansari Son of Sattar Ansari, Resident of Village - Miria, P.S. - Sonhan,
District - Kaimur Bhabua.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Nandan Sahay
For the Opposite Party/s : Mr.S.Dayal , APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 07-05-2019 Heard learned counsel for the parties.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') was filed on 10.03.2015, seeking quashing of the order dated 02.12.2014, whereby the Court of learned 5th Additional Sessions Judge, Kaimur at Bhabua has rejected an application for discharge filed under Section 227 of the Code. The First Information Report was registered under Section 302 of the Indian Penal Code.

3. Learned counsel for the petitioner has submitted that there is enough evidence to suggest that the deceased had in fact died in a train accident.

4. Since the matter has been taken up more than four



years after filing of this application after rejection of discharge petition, no purpose would be served by entertaining it at this stage. It is difficult to hold at this stage, in the present proceeding that no offence at all was made out or there was absolutely no material for the Court below to proceed with the trial, after framing of charge. It is not known whether the charge has been framed or not.

4. If the charge has yet not been framed, the petitioner shall be at liberty to raise the points which he has taken in the present case before the Court below. In case the charge has already been framed, it goes without saying that the petitioner may take such defence as he may be advised, at the trial.

5. This application is dismissed with the observations as noted above.

(Chakradhari Sharan Singh, J)

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