

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7679 of 2015

Arising Out of PS. Case No.-70 Year-2011 Thana- CHARPOKHARI District- Bhojpur

1. Kameshwar Singh Son of Late Baijnath Singh,
2. Shailendra Kumar Singh @ Baila Son of Chandeshwar Singh Both Resident of village - Semraon Dulaur Tola, Police Station - Charpokhri, District - Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Laxman Singh Son of Suryadev Singh Resident of village - Semraon Dulaur Tola, Police Station - Charpokhri, District - Bhojpur at Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-06-2019

Heard learned counsel for the parties.

2. The petitioners are accused in connection with Charpokhari P.S. Case No.70 of 2011 registered under Sections 364 and 302/34 of the Indian Penal Code.

3. Suspicion is there against the petitioners and others that they committed kidnapping and murder of Amit Kumar, a minor boy of the family of the informant.

4. By the impugned order dated 30.01.2015, the prayer of the petitioners under Sections 227 Cr.P.C. has been refused. The petitioners desire quashment of the impugned order in exercise of power under Section 482 Cr.P.C. on the



ground that only material during investigation was suspicion and that suspicion has no leg to stand save and except old enmity between the parties. No one claims to have seen the petitioners along with the deceased. Hence, the whole prosecution evidence is an abuse of the process of the Court.

5. Learned counsel for the State submits that charges have already been framed and the prosecution evidence is going on.

6. Considering the fact that even suspicion is enough to ask the suspect to face trial. Hence, I find no merit in this application. However, the learned trial Court is directed to expedite the trial and conclude the same within six months.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NA
CAV DATE	NA
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