

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6310 of 2015

Arising Out of PS. Case No.-161 Year-2012 Thana- BUXAR MUFFSIL District- Buxar

1. Baleshwar Rai son of Late Raja Rai,
2. Arvind Rai @ Arbind Kumar Rai @ Balboo Rai, son of Baleshwar Rai
3. Dipak Kumar Rai @ Dabloo Rai, son of Baleshwar Rai,
All are residents of village- Chunni, Police Station- Buxar M, District-
Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manoj Kumar Son of Sri Ram Kawal Ram Resident of Village- Milki P.O.
and P.S.- Buxar (M), Distt.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 26-06-2019

By the impugned order dated 17.12.2014, the learned Additional Sessions Judge-I-cum-Special Judge, Buxar, has refused to discharge the petitioners, under Sections 227 Cr.P.C., in connection with SC/ST Case No.14 of 2014, arising out of Buxar (Muffasil) P.S. Case No.161 of 2012, registered under Sections 341/323/504/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Contention of the petitioners is that there was civil suit between the vendor of the informant and the petitioners' family and the suit was decreed in favour of the petitioners' family



but the vendor of the informant sold the same land which was decreed in favour of the informant and just to pressurize this false case has been lodged.

3. The brief impugned order does not reveal that the Court-below has applied its mind by discussing the allegation against the petitioners in the FIR and supporting material to refuse the prayer for discharge; rather in a cryptic manner has recorded as follows:

“After considering the submission made by both sides and material available on record, I find and hold that there is sufficient ground against accused persons to proceed further and, therefore, discharge petition under Section 227 Cr.P.C. filed on 22.04.2014 is hereby rejected.”

4. Since, the impugned order suffers from non-disclosure of reason, the same is not sustainable in law. Accordingly, the same stands set aside and the matter is remitted back to the trial Judge to pass necessary reasoned order according to law after hearing the parties.

5. With the aforesaid observation, this application stands allowed.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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