

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9843 of 2015

Arising Out of PS. Case No.-153 Year-2011 Thana- DEWARIA District- Muzaffarpur

Sanjeet Sah, son of Kapildeo Sah, resident of village - Dharphari, P.S. -
Deoria, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 26-06-2019

Heard learned counsel for the parties.

2. The petitioner is one of the accused in connection with Dewaria P.S. Case No. 153 of 2011 registered under Sections 147, 148, 149, 452, 307, 379, 120B and 302 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. By the impugned order dated 06.02.2015 passed in the aforesaid police case corresponding to Sessions Trial No. 427 of 2014, the learned court below has rejected the prayer of the petitioner to discharge under Section 227 Cr.P.C. on the ground that sufficient material is there in the case diary against the petitioner as well as co-accused Birendra Singh who had also prayed for discharge.

4. I have gone through the allegation in the FIR wherein specific overt act is alleged against the petitioner also to have



committed assault against the informant and not against the deceased who was father of the informant.

5. Learned counsel for the petitioner submits that after submission of the charge sheet against the petitioner, the investigation was handed over to the CID and without examining the material collected by the CID, the learned court below has refused the prayer.

6. Even if, it is assumed that some contrary material in favour of the petitioner would have come up in the investigation by the CID that would be considered at the stage of defence only and not at the stage of hearing on charge. Only thing, is to be examined is that some material disclosing involvement of the petitioner in the crime alleged should be there and is already there, hence, there is no merit in this application. Accordingly, it is dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	28.06.2019
Transmission Date	28.06.2019

