

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23310 of 2015

Arising Out of PS. Case No.-64 Year-2006 Thana- BUXAR District- Buxar

Radhe Shyam Yadav son of Chabi Nath Yadav Resident of Mohalla - Sohani
Patti Buxar, P.S. - Buxar T, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash alias Munna S/o Brij Lal Singh Resident of Mohalla - Krishna
Nagar, P.S. - Buxar T, Dist. - Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shakir Ahmad APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2019 Heard learned counsel for the parties.

The petitioner in the present case is seeking quashing of the order dated 04.04.2015 passed by learned A.D.J. - 6 Buxar, in connection with S. Tr. No. 353 of 2014, arising out of Buxar (T) P.S. Case No. 64 of 2006 under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act, by which the learned Additional District Judge has been pleased to reject the petition dated 28.01.2015 filed by the petitioner under Section 227 of the Code of Criminal Procedure in which a prayer was made to discharge the petitioner from the charges leveled against him.

It appears that by the impugned order the prayer of the petitioner to discharge him has been rejected. This court has



perused the impugned order and the materials available on the record. The learned A.D.J. - 6 has found that in the present case the evidence before charge has been taken in a complaint case and based on that the learned Magistrate has proceeded to frame charge and as such the application for discharge under Section 227 of the Code of Criminal Procedure was not maintainable.

This Court, thus, finds no illegality in the impugned order. The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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