

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22578 of 2015

Arising Out of PS. Case No.-76 Year-2013 Thana- DHAMDAHA District- Purnia

Sushil Bhagat, son of Bhola Bhagat, Resident of Dhamdaha Madhya, P.S.
Dhamdaha, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the O.P. No. 2	:	Mr. K.K. Tiwary, Advocate
For the State	:	Mr. Md. Ansural Haque, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-09-2019

Heard learned counsel for the petitioner and the State.

2. Petitioner is one of the accused in connection with Dhamdaha P.S. Case No. 76 of 2013. On the basis of police report submitted under Section 173 Cr.P.C., the learned court below took cognizance against the named accused including the petitioner and petitioner and others were summoned to face trial. At the stage of hearing on charge in Sessions Trial No. 1404 of 2013 arising out of the aforesaid Dhamdaha P.S. Case No. 76 of 2013, the prayer of the petitioner for discharge was rejected under Section 227 Cr.P.C.

3. The informant was the Circle Officer posted at Dhamdaha. On 23.04.2013, the informant had asked some of the encroachers to remove their hutments from the public land and they had promised to remove the same. When the informant reached near the residence of the Block Development Officer, ten to fifteen persons variously armed, attacked on the informant with intent to commit



murder. The petitioner and others were identified by the informant along with details of the parentage. Allegation is that the accused persons broke open the door of the residence of the informant and entered into the residence and damaged the furniture etc. and took away rupees three thousand three hundred. Since the offence alleged under Section 308 of the Indian Penal Code is triable by the Court of Sessions, the trial was committed to the Court of Sessions.

4. The challenged is on the ground that the police investigation would reveal that except the informant, no other witness, claiming to be eyewitness of the occurrence, stated that the petitioner was involved in the occurrence.

5. The plurality of the witness is not the requirement of law to record a judgment of conviction and trustworthiness of the witness shall be considered at the appropriate stage of the trial. At this stage, the informant cannot be disbelieved.

6. Hence, in my view, there is no merit in this application. Accordingly, it stands dismissed as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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