

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16098 of 2018

Arising Out of PS. Case No.-94 Year-2015 Thana- GOPALPUR District- Patna

-
1. Kapildeo Singh S/o late Gauri Charan Singh,
 2. Om Prakash Kumar
 3. Santosh Kumar
 4. Ganesh Kumar All Sons are Ashok Singh,
 5. Arvind Kumar Yadav @ Arvind @ Arvind Kumar S/o late Radhey Shayam Singh, All R/o Village- Udaini, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Appu Kumar S/o Changhu Singh R/o Village- Uddaini, P.S.- Gopalpur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Anand Amritesh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

This petition has been filed by the petitioners for setting aside the order dated 27.05.2017 passed in Sessions trial no.725/2016 (arising out of Gopalpur P.S. Case no.94/2015) by which learned court below has rejected the discharge petition filed under section 227 of the Cr.P.C for the offence under sections 307, 379, 120B and other allied sections of the IPC.

Counsel for the petitioners submits that land dispute is subsisting between the parties and negotiation for settlement was going on. It is under said circumstance, petitioners have falsely been



implicated in this case. He further submits that, in fact, petitioners had approached DCLR, Patna for measurement and demarcation of the land in question. In this background, F.I.R. has been lodged and the allegations made therein are highly improbable.

The learned court below while passing the impugned order takes note of specific allegation made in the F.I.R regarding assault attributed to the petitioners and other allegations which have been levelled against the petitioners. During course of investigation also, witnesses have supported the prosecution case and supervisory officer has also found that there is subsisting land dispute between the parties for which negotiation was going on and in course of negotiation, present occurrence has taken place. Material on record therefore, is sufficient for subjective satisfaction of prima facie case to proceed for trial. Findings of the court below in this respect would not require any interference by this court.

This application is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

U		T	
---	--	---	--

