

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.41 of 2018

Arising Out of PS. Case No.-218 Year-2016 Thana- SARAIYA District- Muzaffarpur

Shiv Ji Singh @ Shivjatan Singh S/o Ram Sanjeevan Singh @ Sanjeevan Singh, R/o Village- Batraulia, P.O.- Bakhra, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shrinandan Prasad Singh, Adv
	:	Mr.Navesh Nandan, Adv
For the Respondent/s	:	Mr.Smt. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-04-2019

Heard learned counsel for the parties.

2. By the impugned order dated 06.12.2017 passed in Sessions Trial No.564 of 2017, the court of learned A.D.J.-IX, Muzaffarpur has refused to discharge the petitioner.

3. While refusing the prayer, the learned court below has considered that the witnesses have stated before the police that the petitioner and others were seen fleeing from the place of occurrence after commission of the occurrence of murder. The court further considered that the police has submitted chargesheet against the petitioner.

4. Learned counsel for the petitioner submits that some other witnesses stated before the police especially the owner of the land on which dead body was found that when he reached at



his field, found the dead body and thereafter, informed to the family members of the deceased and then they come. The aforesaid statement contradicts the claim of other witnesses to have seen the petitioner and others fleeing.

5. The law is well settled that the appreciation of evidence is not permissible at the stage of consideration whether the accused should be put on trial or not. Moreover, the finding of the learned court below that this is a fit case for proceeding with the trial is based on material on the record. Hence, this criminal revision application has got no merit. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2019
Transmission Date	29.04.2019

