

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.189 of 2018**

Arising Out of PS. Case No.-126 Year-2014 Thana- HARNAUT District- Nalanda

Niranjan Singh @ Niranjan Kumar S/o Late Binod Singh, R/o Vill P.O.-  
Ekdenga, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kamlesh Yadav, S/o Birmani Yadav, R/o Vill- Birampur, P.S.- Harnaut,  
District- Nalanda.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anshu Dhar Sharma Advocate

For the Opposite Party/s : Ms.Smt Pushpa Sinha APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**

**Date : 10-12-2019**

Heard learned counsel for the petitioner and learned APP  
for the State.

The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 ( for short ‘the Code’), has been preferred for quashing the order dated 24.07.2017 passed by learned 7<sup>th</sup> Additional Sessions Judge, Nalanda at Biharsharif, in Sessions Trial No. 160 of 2016, arising out of Harnaut P. S. Case No. 126 of 2014, by which, he has rejected the discharge petition filed on behalf of the petitioner under Section 228 of the Cr. P. C.

It is submitted by the petitioner’s counsel that allegation of switching the power on leading to death of the victim due to



shock of 11000 volt cannot be sustained in view of the material that has been collected in course of investigation. Referring to paragraph No. 102 of the case diary, it is submitted that on the fateful day i.e. on 08.05.2014, the petitioner, who was working as an operator, had not signed his attendance and was not on duty.

Learned APP for the State has referred to other paragraphs of the case diary to submit that with regard to the petitioner's presence on duty on the fateful date, there is conflicting materials in the case diary as some persons have supported the petitioner's presence and, therefore, the issue is required to be considered at the trial. *Prima facie*, there is sufficient materials for proceeding with the trial.

On considering the rival submissions, this Court is also of the opinion that, at this stage, the Court is not required to marshal the facts and evidence collected so as to arrive at a conclusion in the manner as to conduct the mini trial and the issue based on the evidence collected during the course of the offences are to be examined. *Prima facie*, there appears to be sufficient materials for the accused to be brought to trial. The order of the Additional Sessions Judge, rejecting the petitioner's discharge petition under Section 228 Cr. P. C. is well considered



and reasoned order taking into consideration the issues raised.

The same does not require any interference.

The application is, accordingly, dismissed.

**(Madhuresh Prasad, J)**

shyambihari/-

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