

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30917 of 2016

Arising Out of PS. Case No.-22 Year-2011 Thana- JAKKANPUR District- Patna

Vijay Singh Yadav, Son of Late Thakur Prasad Yadav, Resident of Karbigahia,
P.S. - Jakkanpur, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-08-2019

Heard learned counsel for the parties.

2. Petitioner is one of the accused in connection with Jakkanpur P.S. Case No. 22 of 2011. The petitioner has challenged the order of cognizance dated 11.02.2013 passed in the aforesaid case whereby the learned Judicial Magistrate, 1st Class, Patna has taken cognizance against the petitioner for offences under Sections 341, 323, 504 and 307/34 of the Indian Penal Code.

3. The challenge is on the ground that the petitioner has got no criminal antecedent. He has been falsely implicated in this case just to tarnish his political image. The witnesses examined before the police have stated that at the time of occurrence, the petitioner was not there. Hence, the police had not sent up the petitioner for trial, rather some other co-accused were sent up for trial.

4. According to FIR, the petitioner along with his son came on a four wheeler at Mithapur Bus Stand and demanded ransom from the informant to allow the informant to ply his vehicle. When the informant declined, the son of the petitioner, on



the order of this petitioner, fired at the informant causing injury at his head and thereafter the petitioner fired at him. Other unknown persons also came and committed assault against the informant.

5. The case diary reveals that the police obtained the injury report of the informant, however, the final opinion of the Doctor has not been obtained by the police. The brother of the informant who reached at the place of occurrence, soon after hearing the alarm, has supported before the police that the informant disclosed about the occurrence to him. Though some other witnesses have stated before the police that at the time of occurrence, the petitioner and his son were not there.

6. The law is well settled that, at this stage, meticulous appreciation of evidence is not permissible. The trustworthiness of witness cannot be examined. The probable defence of the petitioner cannot be looked into, unless it goes to the root of the prosecution case.

7. Hence, in my view, there is no merit in this application, accordingly, this application stands dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	23.08.2019
Transmission Date	23.08.2019

