

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40506 of 2019

Arising Out of PS. Case No.-169 Year-2017 Thana- BARHARIA District- Siwan

USMAN ANSARI Son of Late Alim Mian Resident of Village - Babhanbara,
P.S.- Barharia, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyaya, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2019 Heard Mr. Md. Aslam Ansari, learned advocate

for the petitioner and Mr. Jharkhandi Upadhyaya for the

State.

The petitioner has challenged the order dated
06.04.2019 passed by the learned Additional Sessions
Judge III, Siwan in connection with Sessions Trial No.
567 of 2018 arising out of Barharia P.S. Case No. 169
of 2017 whereby the petition preferred on behalf of the
petitioner for his discharge has been rejected.

It appears that the petitioner has been named
in the FIR with no specific allegation of assaulting either
the deceased or the informant. It has been alleged in the



FIR that during the course of construction of the house, a dispute arose with the accused persons and they started abusing the father of the informant. When this was protested, the father of the informant was assaulted. The informant as well as another member of his family also were assaulted. Later the father of the informant died in hospital.

The prayer for discharge on behalf of the petitioner has been pressed solely on the ground that though the petitioner is named in the FIR but no specific accusation has been levelled against him. An additional ground has been taken that the deceased had made two statements which were substantially different.

The aforesaid grounds may not be of any avail to the petitioner for the purposes of discharge. Though specific accusation may not have been levelled in the FIR, but after a thorough and protracted investigation, the complicity of the petitioner also was found by the police and hence charge sheet was submitted against



him.

There is no good ground for interfering with the order of the court below refusing to discharge of the petitioner.

The grounds urged here can be wrested out at the time of trial.

There is no merit in the petition and it is thus dismissed.

(Ashutosh Kumar, J)

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