

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38863 of 2019

Arising Out of PS. Case No.-9 Year-2018 Thana- KARAI PARSURAI District- Nalanda

DIPU GOPE Son of Rajendra Gope Resident of Village Pakdidih Police
Station- Karai Parsurai District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha 2, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2019 The petitioner seeks quashing of the order dated 13.05.2019 passed by the learned Additional Sessions Judge 1st Hilsa, Nalanda in connection with Sessions Trial No. 234 of 2018 arising out of Karai Parsurai P.S. Case No. 09 of 2018 whereby petition for discharge preferred on behalf of the petitioner for the offences under Sections 147, 148, 149, 302, 427 and 435 of the Indian Penal Code and Section 27 of the Arms Act has been rejected.

It appears from the impugned order that the court below has taken note of the fact that the petitioner was named in the FIR along with three other persons



and about 10-18 unknown persons. The charge sheet was submitted against him and three other named accused persons for having assaulted the father of the informant which led to his death. There is evidence in the case diary with respect to the participation of the petitioner in the occurrence which led to the death of the deceased and setting of fire of the straw in the field.

Learned counsel for the petitioner has submitted that witnesses have made contradictory statements during the course of investigation and there is a pending land dispute.

The aforesaid grounds are not good enough for interfering with the order of this Court as enmity is a double edged weapon and the occurrence can be committed because of such enmity.

In any view of the matter, considering the fact that the court below has gone through the entire police papers and has now found the case to be fit enough for discharge, this Court does not find any reason to



interfere with the aforesaid order.

The petition stands dismissed.

(Ashutosh Kumar, J)

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