

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43476 of 2019

Arising Out of PS. Case No.-1857 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Vikash Choudhary, son of Raj Kumar Choudhary Resident of Mohalla -
Khidki Ghat, P.S.- Sasaram (Town), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj, Advocate
For the Informant	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2019 Heard the learned counsel for the petitioner,

the informant and the State.

The petitioner has sought quashing of the order dated 19.01.2019 passed by the learned Additional Sessions Judge-III, Rohtas at Sasaram in Sessions Trial No. 266 of 2018, arising out of Sasaram P.S. Case No. 1857 of 2017 whereby the petition preferred on behalf of the petitioner for discharge for the offence under Sections 302, 386, 34 of the Indian Penal Code and Section 27 of the Arms Act has been rejected.

Several grounds have been urged by the



learned counsel for the petitioner viz. delayed lodging of the F.I.R, interpolation of the F.I.R and there being counter case from the side of the accused persons in which one Jai Ram Choudhary is said to have been killed but none of those grounds have weighed with this Court to interfere with the order refusing to discharge the petitioner.

According to the F.I.R, one of the brothers of the petitioner fired at one Mahtab Alam(deceased) near his earlobes who died. According to the prosecution version, because of the firing resorted to by the accused persons, one Jai Ram Choudhary who was from the side of the accused persons received gunshot injury and died.

The argument of the learned counsel for the petitioner of the aforesaid allegation in the F.I.R to be improbable may be correct but cannot be a ground for preventing this case from going to trial. There is a counter version of the occurrence also. Though no overt act has been attributed against the petitioner,



nonetheless his presence has specifically been noticed by the informant.

Considering the nature of the case, the manner of executing the occurrence and that the petitioner is named in the F.I.R, I am not inclined to interfere with the order of the Court below refusing to discharge the petitioner.

The petition has no merits and therefore it is dismissed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

