

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54304 of 2019

Arising Out of PS. Case No.-29 Year-2019 Thana- CHHAURADANO District- East
Champaran

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SANTOSH KUMAR Son of Bhikhari Shah Resident of Village- Jhitkahiya
(Ward No.2), P.S.- Aadapur, District- East Champaran Petitioner/s
Versus
The State of Bihar Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Rakesh Kumar No.1, Adv
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioner as well as

learned APP.

Learned counsel for the petitioner has submitted that his
name came up on the basis of inculpatory extra judicial confessional
statement of co-accused, namely, Kanhaiya Lal but from column no.
7 of the formal FIR, it is evident that he has not been made an
accused.

Uptil now, there happens to be no change in the aforesaid
status but, he is apprehending his arrest. There has been repeated
query made by the court whether petitioner has been made an
accused or not. Lastly, learned counsel for the petitioner has
submitted that he has not been made accused. Consequent thereupon,
there would not be maintainability of petition under Section 438 of
the CrPC. Accordingly, petition stands dismissed.

(Aditya Kumar Trivedi, J)

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