

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No 2126 of 2019

Arising Out of PS. Case No.-144 Year-2016 Thana- BELHAR District- Banka

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1. Karu Singh @ Naresh Prasad Singh, son of Late Biko Singh @ Biko Prasad Singh resident of village- Bahorna, P.s- khesar(Belhar), District- Banka
 2. Sarvottam Singh, son of Karu Singh @ Naresh Prasad Singh, Residents of Vill-Bahorna, P.S-Khesar (Belhar), Distt.-Banka.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rikku Devi, wife of Chandan Kumar Singh Vill-Bahorna, P.S-Khesar (Belhar),Distt.-Banka.

... .. Opposite Party/s

For the Petitioner/s : Mr Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr Ajit Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-12-2019

Heard learned counsel for the petitioners and the learned APP for the State.

2 Petitioners have filed this application for quashing the order dated 29.09.2018 passed by Fast Track Court I, Banka in Sessions Trial No 313 of 2017 arising out of Belhar (Khesar) Police Station (for brevity, *PS*) Case No 144 of 2016.

3 Petitioners' counsel submits that even as per the version in the first information report, at least there are four eye witnesses. None has taken the name of the instant petitioners though eight other persons have been named as accused persons. Submission is that, in the circumstances, the petitioners are entitled to discharge and the order rejecting their application for discharge, without considering this aspect of the matter, is liable to be quashed.



4 The learned APP, referring to the material available on record, has submitted that one of the injured Prabha Devi @ Prema Devi has taken the name of petitioners in her statement recorded during course of investigation.

5 In view of the fact that other villagers have also stated the name of the petitioners, at least a prima facie case for arriving at a subjective satisfaction so as to take the petitioner to trial is present and, therefore, no case is made out for discharge.

6 Considering the rival submissions, this Court would observe that in view of the said materials during course of investigation, at least there is sufficient material for taking the petitioner to trial. No case is made out for discharge of the petitioners. Order dated 29.09.2018 passed in Sessions Trial No 313 of 2017 arising out of Belhar (Khesar) PS Case No 144 of 2016, which is impugned in the instant case, is passed by the Fast Track Court I, Banka, after due consideration of all these materials and, therefore, does not require any interference.

7 This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
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