

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77311 of 2019

Arising Out of PS. Case No.-125 Year-2016 Thana- MANJHI District- Saran

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1. Tarkeshwar Turha Son of Shivnath Turha @ Shivnath Prasad Resident of Village - Mahammadpur, P.S.- Manjhi, Distt - Saran.
 2. Achchhe Lal Turha Son of Shivnath Turha @ Shivnath Prasad Resident of Village - Mahammadpur, P.S.- Manjhi, Distt - Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pana Kunwar Wife of Late Vikarma Turha Resident of Village - Mahammadpur, P.S.- Manjhi, Distt - Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 02-12-2019 This application has been filed for quashing of order dated 09.07.2019 passed by the learned Ist Additional Sessions Judge, Saran at Chapra vide Sessions Trial No. 38 of 2019 by which the petition under Section 228(1)(a) Cr.P.C. filed by the petitioners were rejected by the learned trial court. Ground for quashing is that the impugned order is that the petitioners have filed a petition under Section 228 of the Cr.P.C. for discharge as they have falsely been implicated in this case due to the land dispute between the parties and no specific allegation has been attributed but the learned trial court without discussing the evidence and materials available against the petitioners by one



line order dismissed his petition that there are sufficient materials against the petitioners.

Heard learned A.P.P. who has opposed this application on the ground that there are sufficient materials available on the record.

On perusal of order impugned, it appears that petition filed by the petitioners under Section 228(1)(a) Cr.P.C. was rejected by the trial court without any discussion on material against the petitioners, rather passed one line cryptic order that there are materials available. In view of the above, the impugned order dated 09.07.2019 is set aside. The matter is remitted back to the learned trial court for passing an order afresh after considering the materials against the petitioners.

The petitioners are directed to be present before the learned trial court.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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