

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75846 of 2019

Arising Out of PS. Case No.-60 Year-2017 Thana- BAUNSI District- Banka

Ram Prasad Mandal, Son of Baijnath Mandal, Resident of Village -Balarpur,
Police Station-Banka, District-Banka.

... .. Petitioner

Versus

1. The State of Bihar
2. Ramdhani Wagwai, Son of Late Mulhay Wagwai, Resident of Village-Balarpur, P.S.-Banka, District-Banka.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2019 This application has been filed against the order dated 20.09.2019 passed by the learned Sessions Judge, Banka in Sessions Trial No. 535 of 2017 arising out of Bounsi P. S. Case No. 60 of 2017, by which, petition under Section 227 of Cr.P.C. filed by the petitioner for discharging him, has been rejected.

The prosecution case in short is that a complaint case was filed on 27.03.2017 that on 25.02.2017 one Mithhu called the complainant by his mobile and asked him to come Bounsi, when he reached near the Canal, 3-4 miscreants including the petitioner abused him and fired from his pistol, causing injury on the head of Shree Kant and also snatched Rs.50,000/- and later on, complaint case was sent to the police for registration under Section 156(3) Cr.P.C.



It further appears that after investigation, police has submitted charge sheet and after taking cognizance, case was committed and thereafter, a petition for discharge has been filed by the petitioner.

The ground for discharge is that the case was filed after one month of the occurrence and the injured has not named the petitioner, but complainant has named the petitioner, though he was not an eye witness of the occurrence, but the learned court below has not considered the same.

Heard learned APP for the State also, who has opposed the prayer for discharge on the ground that petitioner is the main king pin in this case. He was assaulted the injured, but the statement of other witnesses also named the petitioner and which is not the stage to examine the veracity of the statement of the witnesses and can be seen during the trial of the case.

Having heard both sides, considering the aforesaid facts, as stated above, there is no merit in this application.

Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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