

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.176 of 2019

Arising Out of PS. Case No.-257 Year-2017 Thana- BEUR District- Patna

Rajesh Kumar @ Chhotu Nandu Yadav @ Nandu Rai Resident of Siparadih,
Devasthan,P.S-Beur, Distt.-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Sri Anil Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-12-2019 This application has been filed for quashing of the order dated 30.08.2018 passed by Special Judge Scheduled Caste/ Schedule Tribe (Prevention of Atrocities Act), in special case No. 204 of 2018 arising out of Beur P.S. Case No. 257 of 2017 by which he has rejected the petition for discharge filed by the petitioner under Section 227 of the Cr.P.C.

Prosecution case as per F.I.R. has recorded on the statement of one Bikash Kumar Paswan stating therein that while he was taking dinner he saw mob and went there. Suddenly, he heard sound bullet fire and sustained injury on his thigh, he then fell down, on message family member came there and take him to Binayak Hospital. Later on after investigation charge sheet was submitted, cognizance was taken of the offences under I.P.C. and SC/ST Act. It further appears that petitioner has filed a petition under Section 227 of the Cr.P.C. the same has also been rejected by impugned order. Against which present application has been filed.



The ground for quashing is that petitioner is not named in the F.I.R. and there is absolutely no materials against him and there is no eye-witness in this case, but the learned Sub Judge without considering the same in a very cursory manner rejected his petition under Section 227 of the Cr.P.C.

On the other hand learned A.P.P. has opposed this application on the ground that order shows that the learned A.C.J.M., perused the materials in the case diary mentioned paragraphs of the case diary and on that basis he has rejected his application for discharge. It has further been submitted that in both paragraphs the witness taken the name of the petitioner.

Having heard both sides, in view of the facts and circumstances, as state above, it appears that there are materials against the petitioner and the sufficiency and admissibility of the same cannot be consider at this stage, rather it may be consider only at the time of trial.

Considering the facts as stated above, I find no merit in this application.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Rahul Mishra/-

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