

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84433 of 2019

Arising Out of PS. Case No.-532 Year-2018 Thana- BODHGAYA District- Gaya

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Gajanfar @ Saheb Son of Sajaruddin Khan Resident of Village - Baraini
(Cherki), P.S.- Bodh Gaya (Cherki), District- Gaya

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar
For the Opposite Party/s	:	Mr.Md. Ataur Rahman
For the Informant	:	Mr. Prithvi Raj Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2020 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

This application has been filed against the order dated 18.11.2019 passed by A.D.J. XI Gaya in S.Tr. No. 100 of 2019/381 of 2019 by which the petition filed under Section 227 Cr.P.C. by the petitioner and another accused has been dismissed.

Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on account of business rivalry. The occurrence, as alleged in the FIR, has never taken place. From the records it is apparent that the CCTV footage in respect of the alleged occurrence is available, however, the same has not been considered by the court below while rejecting the



petitioner's petition for discharge.

The CCTV footage, its veracity are issues which are yet to be examined at the trial. Apart from that this Court would observe that the issues regarding CCTV footage has not been raised by the petitioner in his application filed under Section 227 Cr.P.C. In the circumstances, there was no occasion for the Court to consider the same. Whether CCTV footage would support prosecution case or not and whether the same would be relied upon by the prosecution are issues which are yet to be determined at the trial. At the stage of deciding an application under Section 227 Cr.P.C. the court is not expected to conduct a mini trial and go into the evidence and its veracity.

The allegations have been found in the FIR and after a detailed/considered order relying upon materials collected in course of investigation the Court has found it a fit case for framing charges against the petitioner, this Court in the facts and circumstance is not inclined to interfere with the order rejecting the petitioner's application under Section 227 Cr.P.C.

This application is dismissed.

(Madhuresh Prasad, J)

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