

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85740 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- SIMRA District- West Champaran

-
1. FIROZ KHAN Son of Faiyaz Khan @ Fariyaz Khan
 2. Nurul Khan Son of Bhikhari Khan @ Taiyab Khan
Both Resident of Village- Bairati, P.S.- Simra, Distt- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Banarasi Bin Son of Late Ram Lal Bin Resident of Village- Bairati, P.S.-
Simra (Cheutaha), Distt- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Malendu, Adv
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the parties.

2. Petitioners are accused in connection with Simra (Cheutaha) P.S.Case No.114 of 2018 registered under Section 302/34 I.P.C. The petitioners have challenged the order of cognizance dated 20.07.2019 passed in the aforesaid case by the learned Judicial Magistrate 1st Class, Bettiah on the ground that there is no other material except suspicion against the petitioners. Moreover, the petitioners were not sent up for trial. However, the learned Magistrate disagreed with the police report, while taking cognizance against the petitioners, without material on the record.

3. According to FIR, Sudarshan Bin, the son of the informant, had gone to attend the call of nature on 15.08.2018, the



FIR named accused person including the petitioners allegedly committed his murder and screened the dead body in the paddy field of Nesar Khan. When the family members of the informant reached at the place of occurrence, they found that co-accused-Lal Babu Mian was carrying the dead body of the victim to throw the same in the sugarcane field of Firoz Khan. Witnesses examined by the police and relied by the court below while passing the impugned order also stated that due to previous enmity, murder of the victim was committed by the named person including the petitioners.

4. No doubt there is no eye witness of the occurrence, however, the law is well settled that mere suspicion is also a ground to ask the accused to face trial. Therefore, there is no merit in this application, accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2020
Transmission Date	10.01.2020

