

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86363 of 2019

Arising Out of PS. Case No.-29 Year-2014 Thana- KHUDAGANJ District- Nalanda

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Anil Kumar, Son of Govind Mahto, Resident of Village - Waira, P.S.-
Khudaganj, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mishri Yadav, Son of Late Gangu Yadav, Resident of Village - Baira, P.S.-
Khudaganj, Distt - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-01-2020 This application has been filed for quashing of the order dated 19.11.2019 passed by the learned 3rd Additional District & Sessions Judge, Hilsa, Nalanda in Sessions Trial No. 634 of 2016 arising out of Khudaganj P. S. Case No. 29 of 2014, whereby and whereunder he has framed charge against the petitioner and other accused persons under Sections 302/34 of IPC as well as Section 201/34 of IPC.

It appears that Khudaganj P. S. Case No. 29 of 2016 was lodged for the murder of the son of informant, in which, the petitioner and other accused persons are named. It further appears that after investigation, the charge sheet has been submitted against the petitioner and other accused persons,



cognizance has been taken and the case has been committed to the court of sessions. Later on, the charges have been framed, against which the petitioner has come before this Court on the ground that allegation is vague except he named in the F.I.R. As such, continuation of the proceeding is only an abuse of the process of the court and no useful purpose will be served.

Heard learned APP also and perused the record, from which, it appears that the petitioner has named in the F.I.R. Case is under Section 302 of IPC and the petitioner has not even moved for discharge of the accused persons by filing a petition under Section 227 of Cr.P.C., only he has come for quashing of the charge, which has been framed against the petitioner, but against the order of framing of the charge.

Considering the same, I am not inclined to interfere with the charges framed against the petitioner.

Accordingly, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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