

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87162 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- SARAI RANJAN District- Samastipur

Md. Shahnawaz @ Nehal @ Md. Shahnawad, Son of Late Bani Israil,
Resident of Village - Kaliganj Kathautiya, Kari Koshi Bandh, P.S.- Manihari,
Distt.- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-04-2021 This miscellaneous application has been filed for quashing the order dated 22.11.2019 passed by the 2nd Additional Sessions Judge, Samastipur, in Sessions Trial Case No.435 of 2018 (GR No.743 of 2018) arising out of Sarairanjan P.S. Case No.39 of 2018, which was initially registered under Sections 458, 382, 34 of the Indian Penal Code ('I.P.C.' in short), later rectified to be read as under Section 395/397/412 I.P.C., but in the final form dated 30.06.2018, the petitioner was chargesheeted under Sections 395, 400, 412 I.P.C., whereby and whereunder the learned court below has dismissed the discharge petition dated 10.09.2018 filed under Section 227 of the Cr.P.C. and fixed 16.12.2019 for framing of the charges.

Learned counsel for the petitioner submits that other



than the statement of the co-accused against the petitioner and his own confessional statement, both of which are illegal and unsustainable to support the allegations against him, nothing has come in the course of the investigation. He submits that these are issues which he would be taking benefit of in the trial, but he expresses an apprehension that the trial would be unnecessarily delayed.

Such apprehension at this stage appears clearly to be unfounded. However, this Court would observe that it is needless to say that the trial court is expected to proceed with the trial expeditiously and without any unnecessary delay or unnecessary adjournments.

The application is disposed of with liberty to the petitioner to raise all these issues at the appropriate stage in the trial, in accordance with law.

(Madhuresh Prasad, J)

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