

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12202 of 2021

Arising Out of PS. Case No.-417 Year-2009 Thana- PHULWARISHARIF District- Patna

Vivek Kumar, Son Of Sri Ashok Kumar Tiwary, Resident of Gitanjali House,
M-16, P.S.-Srikrishnapuri, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vaishnavi Singh, APP
For the Opposite Party : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-04-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The present application has been filed for quashing
the order dated 06.01.2020 passed by learned Additional
Sessions Judge, VIII, Patna, in Sessions Trial No. 457 of 2011,
arising out of Phulwarisharif P.S. Case No. 417 of 2009,
whereby the learned Judge has rejected the application filed by
the petitioner under Section 227 of the Cr.P.C. for not framing
charge against him under Section 302/34 and 120-B of the
Indian Penal Code and under Section 27 of the Arms Act.

In the impugned order, all the materials have been
considered by the Court below, which came against the



petitioner during the course of investigation and the same warrants the trial of the petitioner. At this stage, this Court will not replace the opinion of the Court below.

Accordingly, this quashing petition stands dismissed.

(Sandeep Kumar, J)

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