

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.610 of 2019**

Arising Out of PS. Case No.-176 Year-2018 Thana- GARDANIBAG District- Patna

Dinanath Prasad @ Dina Yadav, Son of Late Dharam Das @ Dharmveer Rai,
Resident of Karodichak, P.S.- Phulwarisharif, District- Patna. ... Petitioner
Versus

1. The State of Bihar
 2. Ranjet Yadav, Son of Sri Krishna Prasad, Resident of Manikchand Talab,
P.S.- Gardanibagh, District- Patna.
- Respondents

Appearance :

For the Petitioner : Mr. Arun Kumar Sinha, Advocate
For the State : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 10-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is aggrieved by and dissatisfied with the order dated 24.04.2019 passed by learned Presiding Officer, Fast Track Court I, Patna in Sessions Trial No. 624 of 2018 by which the learned court below has been pleased to reject the application preferred by the petitioner under Section 227 CrPC to discharge him.

Learned counsel for the petitioner submits that so far as the present petitioner is concerned save and except mere suspicion against him there is no other material present in the case diary. It is his submission that in absence of sufficient materials showing the ingredients of the offences alleged against the petitioner, the learned court below is not justified in rejecting the petition under Section 227 CrPC.

Mr. Akhileshwar Dayal, learned APP for the State submits



that the order dated 24.04.2019 is a well reasoned order. The learned court below has recorded that the informant has alleged in the FIR that the co-accused Sunil Yadav and this petitioner both had conspired to kill deceased Dinanath Yadav @ Dina Gope. In his further statement also the informant has supported the allegations. In course of investigation, witnesses such as Vicky Kumar (paragraph 6), Rajesh Kumar Pankaj (paragraph 8), Rajan @ Dayal and other witnesses have supported the prosecution case. Further it has come in course of investigation that the deceased had a land dispute with the present petitioner. It is, thus, submitted that the learned court below has rightly refused to discharge the petitioner.

Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that the learned trial court has not committed any error in rejecting the application under Section 227 CrPC. The learned court has taken note of the statement of the informant and other witnesses as regards this petitioner and thereafter reached to a conclusion that there are materials present on the record to frame charges under Section 120B IPC against the petitioner. This Court would not interfere with the impugned order.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

