

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3168 of 2023

Arising Out of PS. Case No.-510 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

SAJID HUSSAIN @ MD. SAJID HUSSAIN S/o Late Sk. Abadullah, R/o
Village- Kathan, P.S.- Muffasil, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-09-2023 This application has been filed for quashing of the order dated 17.12.2022 passed by learned XXth Additional Sessions Judge, East Champaran at Motihari in S.Tr. No. 1198 of 2022, arising out of Muffasil P.S. Case No. 510 of 2021 instituted for the offences punishable under Sections 302, 201/34 of the Indian Penal Code, whereby the discharge petition filed by the petitioner was rejected.

2. The learned counsel for the petitioner has submitted that the petitioner has been made accused in this case merely because the dead body of the deceased Zirat Sareh was found in his orchard. Except that, there is no any other evidence showing involvement of the petitioner in the alleged occurrence and the learned court below has committed illegality in rejecting the



petition filed under Section 227 of the CrPC for discharge of the petitioner.

3. The impugned order shows itself that the deceased Zirat Sareh was deputed to look after the orchard of the petitioner and her dead body was found in the room of the petitioner, situated in that orchard. The witnesses in paragraph nos. 21 and 22 of the case diary have supported the prosecution case. A video clip also became viral in which the petitioner was also standing where the deceased was murdered.

4. I do not find any substance in the present petition. There are adequate materials against the petitioner for framing of the charges.

5. Accordingly, this criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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