

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6976 of 2023

Arising Out of PS. Case No.-852 Year-2018 Thana- ARA NAWADA District- Bhojpur

SHASHI YADAV S/O LATE LAKHAN YADAV Resident of Village-
Maulabagh, P.S.- Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. RAVINDRA KUMAR S/O TEJ NARAYAN RAM Resident of Village-
Bagahi, P.S.- Itarhi District- Buxar at present Resident of Dr. Ambedkar
Kalyan Hostal, Mohlla- Maulabagh, P.S.- Ara Nawada, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2023 Heard the parties.

This application has been filed for quashing the order dated 06.01.2023 passed by learned 1st, Addl. Sessions Judge-cum Special Judge schedule Caste and schedule Tribe, Bhojpur at Ara by which he has rejected the petition dated 19.12.22 filed by the petitioner to discharge from Case of S.C/S.T Case No. 364/18 arising out of Ara Nawada P.S. Case No. -852/18 registered for the offence u/s 147, 148, 149, 341, 323, 307 I.P.C. and 27 Arms Act and 3(2)(v) of S.C/S.T Act.

The prosecution story in brief is that the O.P. No.- 2 has lodged a case stating therein that on 24.12.18 at 11.30 A.M., he had gone to S.B. college for his personal work, in the



meantime, some anti-social elements along with Kittu and Murti came and abused him by taking caste name thereafter he went to his Hostel and he was talking with his friends in the meantime, all the named accused came with Lathi, Rod, Pistol and started abusing and co-accused fired at Yogesh Kumar who sustained injury and fell down and the students took Yogesh Kumar to Hospital from there, he was referred to P.M.C.H. where his treatment is going on.

By a detailed impugned order, the trial court has found strong *prime facie case* against the petitioner for framing of the charge.

In view of the law laid down by the Supreme Court in the case of *State of Bihar vs. Ramesh Singh* reported in *1977 SCC(4) 39*, this application has no merit. It is, accordingly, dismissed.

(Sandeep Kumar, J)

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