

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20371 of 2023

Arising Out of PS. Case No.-117 Year-2019 Thana- GORAUL District- Vaishali

MD. SHAMIUL HODA @ MD. SHAMIMUL HODA @ SHAMIULLAH
HODA @ SHAMIM ULLA Son of Nazmul Hoda R/V- Hasanpur Gangati,
PS- Goraul Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 This application has been filed under Section 482 of the CrPC for quashing an order dated 21.01.2023, passed by the learned Sessions Judge, Vaishali at Hajipur in Sessions Trial No. 198 of 2022 arising out of Goraul (Kathara O.P.) P.S. Case No. 117 of 2019, where by the petitioner's application for discharge under Section 227 of the CrPC has been rejected.

2. Learned counsel appearing on behalf of the petitioner has submitted that the learned court below has not duly considered the grounds taken by the petitioner for his discharge. He submits that the petitioner had brought on record before the court below the documents to prove that on the date and at the time of occurrence, the petitioner was not present at the place of occurrence, rather he was hospitalized for treatment



in a hospital.

3. The court below, after having examined the materials collected during the course of investigation, has declined to accept plea of discharge under Section 227 of the CrPC, which was solely based on the documents taking plea of *alibi*.

4. I have carefully gone through the impugned order passed by the trial court. In the Court's opinion, the trial court has rightly declined to consider the petitioner's plea of *alibi* for the purpose of entertaining application under Section 227 of the CrPC.

5. This application is completely misconceived and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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