

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21085 of 2023**

Arising Out of PS. Case No.-17 Year-2014 Thana- KATIHAR COMPLAINT CASE District-
Katihar

SK JOGI son of Late Bhattan Village- Salehpur Maheshpur Ps- falka via
pothia Po- Salehpur Maheshpur Dist- Katihar

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Asif son of Late Md. Maqbul Village- Salehpur Maheshpur Ps- Falka
Dist- Katihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

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

ORAL ORDER

2 16-10-2023 The petitioner's application filed under Section 245 of
the CrPC has been rejected by learned ACJM-III, Katihar, in
connection with Complaint Case No. CA 17/2014 by an order
dated 22.11.2022, which is under challenge in the present
application under Section 482 of the CrPC.

2. The petitioner is an accused in the aforesaid
complaint case for commission of offences punishable under
Sections 420, 465 and 467 of the IPC.

3. Section 245 of the CrPC reads as under: -

***245. When accused shall be
discharged.—(1) If, upon taking all the
evidence referred to in Section 244, the
Magistrate considers, for reasons to be
recorded, that no case against the accused
has been made out which, if unrebutted,***



would warrant his conviction, the Magistrate shall discharge him.

(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

4. In the present application, I do not find any averment to the effect that no case against the petitioner has been made out and based on all the evidence referred to under Section 244 of the CrPC, even if unrebutted, would warrant the petitioner's conviction.

5. In the absence of any ground taken in the present application, I am not inclined to interfere with the impugned order.

6. This application is accordingly dismissed.

7. The petitioner shall be at liberty to take the grounds, which have been taken in the present application, at appropriate stage of the proceeding of the concerned criminal case.

(Chakradhari Sharan Singh, J)

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