

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20291 of 2023

Arising Out of PS. Case No.-131 Year-2015 Thana- KATEYA District- Gopalganj

Narotam Rai, S/O Late Sampat Rai, R/O Patkauli, P.S- Kateya, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Yadav, S/O Lalan Yadav, R/O Village- Repura, P.S- Kateya, Distt.-
Gopalganj.

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 16-10-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner, in the present application under
Section 482 of the CrPC, has put to challenge an order dated
19.02.2021 passed by learned 8th Additional Sessions Judge,
Gopalganj in Sessions Trial No. 09 of 2020, whereby he has
rejected the petitioner's application for discharge under Section
227 of the CrPC. The FIR was registered for the offence
punishable under Section 302/34 of the IPC.

3. Learned counsel appearing on behalf of the petitioner
has submitted that he was not named in the FIR and even during
the course of investigation his name had not emerged till the
arrest of Ramayan Choudhary who is said to have made



confessional statement while in custody to the police accepting his role with this petitioner in commission of the offence. He has submitted that the petitioner and co-accused Ramayan Chaudhary are on inimical terms since long. He further submits that the trial court ought to have discharged the petitioner exercising power under Section 227 of the CrPC.

4. I have heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State of Bihar. From perusal of the order impugned it appears that the court below, after having taken note of the materials collected during the course of investigation, has declined to accede to the petitioner's prayer for his discharge. The impugned order of the court below cannot be said to be suffering from such legal infirmity as would have required this Court's interference, in exercise of power under Section 482 of the CrPC.

5. This application is accordingly dismissed.

6. It goes without saying that the plea, which the petitioner has taken in the present application, shall be available to him at appropriate stage of trial.

(Chakradhari Sharan Singh, J)

Rajesh/-

U		T	
---	--	---	--

