

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20149 of 2023

Arising Out of PS. Case No.-94 Year-2021 Thana- BARARI District- Katihar

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RUPESH YADAV @ RUPESH KUMAR YADAV SON OF PITAMBER
YADAV RESIDENT OF VILLAGE - MAGHELI JARLAHI, P.O. -
JARLAHI, P.S. - BARARI, DISTT. - KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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

ORAL ORDER

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

2. The petitioner in the present application filed under
Section 482 of the CrPC has put to challenge an order dated
24.08.2022, passed by the learned Additional Sessions Judge-II,
Katihar in Sessions Trial No. 248/22 arising out of Barari P.S.
Case No. 94 of 2021, whereby the petitioner's application under
Section 227 of the CrPC for discharge has been rejected.

3. From the materials, which have been brought on
record, it transpires that the police upon completion of
investigation submitted chargesheet for commission of the
offences punishable under Section 302 of the IPC and Section
27 of the Arms Act.

4. The learned trial court has taken into account in its impugned order dated 24.08.2022 the materials available on record and has declined to discharge the petitioner under Section 227 of the CrPC.

5. Learned counsel appearing on behalf of the petitioner has attempted to convince this Court that a false criminal case has been instituted because of previous animosity against the petitioner and the entire criminal case is malicious.

6. I am not inclined to accept the aforesaid submissions made on behalf of the petitioner. The previous animosity cannot be a ground for interfering with an order rejecting the petitioner's application under Section 227 of the CrPC for his discharge.

7. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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