

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36216 of 2015

Arising Out of PS. Case No.-124 Year-2013 Thana- BRAHMPURA District- Muzaffarpur

Aditya Prakash @ Balaji S/o Ravi Prakash resident of Mahalla Lakshmi
Chowk, P.S. Brahmpura, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss. Sweta Raj, Advocate

For the Opposite Party/s : Mr.C. Jawahar App

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-02-2023 Heard Miss. Sweta Raj, learned counsel for the
petitioner and the State.

The present petition has been preferred for quashing of the order dated 24.3.2015 passed in Sessions Trial No. 677 of 2014 arising out of Brahampura P.S. Case No. 124 of 2013 by learned Additional District and Sessions Judge-4th under sections 227 of the Cr.P.C.

As per the prosecution story, the accused persons arrived at the shop of informant and demanded 'Rangdari' and upon refusal started assaulting the Staff.

Further allegation is that when one of the Staff Binay Kumar Mishra came to save him, he was also assaulted and due to firing, he received injury and subsequently, succumbed to the said injuries. Accordingly, the FIR.



Learned counsel for the petitioner submits that he was simply a passer-by, have been implicated in this case.

Learned APP on the other hand submits that it is a case in which one of the Staff of the informant was injured due fire-arm and subsequently, succumbed to his injuries.

The police investigated the matter, charge-sheet submitted, cognizance taken and the discharge petition rejected in 2015, certainly it is not a fit case in which interference is required.

Considering the fact as also the kind of allegation that has come in the FIR, in view of the fact that trial is/was already on, if not concluded, this is not a fit case to interfere and the same is dismissed.

Before parting, this Court would like to put on record its of word of appreciation for Miss. Sweta Raj, learned counsel for the petitioner for the proper assistance to the Court.

(Rajiv Roy, J)

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