

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20932 of 2023

Arising Out of PS. Case No.-10 Year-2020 Thana- HARNAUT District- Nalanda

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MUKESH SINGH S/O LATE LAXMI PRASAD SINGH R/O VILLAGE-
WEST PANDARAK, P.S- PANDARAK, DISTT.- PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Krishna Jha, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-10-2023 The petitioner has put to challenge in the present application filed under Section 482 of the CrPC an order dated 04.06.2022 passed by the learned Additional Sessions Judge-III, Nalanda at Biharsharif, in Sessions Trial No. 579/2021 on an application filed under Section 277 of the CrPC. The petitioner's application under Section 277 of the CrPC has been rejected by the impugned order.

2. Harnaut P.S. Case No.10 of 2020, which gave rise to Sessions Trial No. 570/2021, discloses commission of offences punishable under Sections 372, 120B read with 34 of the IPC and Section 27 of the Arms Act.

3. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was not named in the



FIR and even during the course of investigation, no cogent evidence has emerged to justify the petitioner's implication in the said case except for the confessional statement of a co-accused. He submits that the statements of the witnesses were recorded under Section 164 of the CrPC during the course of investigation, but none of them made any allegation against this petitioner. He submits that confessional statement of co-accused, recorded by the police when he was in custody, has no evidentiary value in the eye of law and, therefore, it cannot be said that there is any material available on record to justify prosecution of this petitioner.

4. After having heard learned counsel for the petitioner and perusing the impugned order of the trial court, I am of the view that the impugned order does not require any interference. The grounds, which the petitioner is taking to question correctness of the order passed under 227 of the CrPC, can be taken by him at the stage of trial. At this stage, I do not find just and proper to record that there is absolutely no material against him, exercising power under Section 482 of the CrPC.

5. The application is accordingly dismissed.

6. It is made clear that the dismissal of the present application shall not in any manner prejudice the petitioner's



case at any stage of the trial.

(Chakradhari Sharan Singh, J)

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