

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22161 of 2023

Arising Out of PS. Case No.-186 Year-2019 Thana- KHAJAULI District- Madhubani

RAMANJI KUNWAR, Son of Gunanand Kunwar, Resident of Village -
Maharajpur Dihtol, Ward No.- 5, P.S.- Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner's application under Section 227 of the CrPC has been rejected by an order dated 02.03.2023 passed by the learned Sessions Judge, Madhubani in Sessions Trial No. 334 of 2021, which is under challenge in the present application under Section 482 of the CrPC. The petitioner is accused of the offences punishable under Sections 326, 307 of the IPC and Section 27 of the Arms Act.

3. Learned counsel appearing on behalf of the petitioner has submitted that no firearm was recovered from the possession of the petitioner and at the time when the occurrence had taken place it was dark and there being no source of



identification, the informant could not have named the petitioner. He submits that it is a case of malicious prosecution. He has also argued that the impugned order is cryptic and it requires interference on that ground.

4. I have perused the impugned order and have considered the submissions advanced on behalf of the petitioner. The order passed by the court below cannot be said to be cryptic in nature. It has taken into account the materials available in the case diary. I need not comment presently, in the present proceeding as to what materials have been considered by the court below, while rejecting the petitioner's application for his discharge.

5. In my considered view, the grounds taken by the petitioner before the court below for his discharge, which have been taken before this Court also as noted above, are not valid grounds for discharging an accused under Section 227 of the CrPC.

6. I do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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