

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24052 of 2017

Arising Out of PS. Case No.-152 Year-2013 Thana- DARIYAPUR District- Saran

Sanjay Kumar @ Sanjay Rai Son of Late Sanjivan Rai, Resident of Village-
Darbesha Sikandara, P.S.- Dariapur, District- Saran Chhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-10-2023 1. Heard learned counsel for the petitioner and learned
APP Mr. Chandra Bhushan Prasad for the State.

2. Learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 29.02.2016, passed by the learned 2nd Additional Sessions Judge, Saran at Chapra, in connection with Dariyapur P.S. Case No.152/2013, S. Tr. No. 106/2015, whereby the petition filed under Section 319 Cr.P.C. by the prosecution has been allowed and the petitioner has been asked to face the trial. Learned counsel for the petitioner submits that prior to issuance of the process under Section 319 Cr.P.C., the petitioner was not noticed i.e. no opportunity of hearing was given to him, it is next submitted that the petitioner was not even present at the place of occurrence when the occurrence is alleged to have



taken place. It is further submitted that nothing came during the course of evidence or investigation, which could even remotely connect the petitioner with the offence which warrant his trial in the case.

3. Learned APP vehemently opposes the quashing application and submits that the present trial arises out of Dariyapur P.S. Case No. 152/2013 and in the F.I.R., seven persons including the petitioner were named as accused but after investigation, the police submitted charge sheet only against five accused persons and investigation against the petitioner was kept pending, further one Sanjivan Rai died during investigation. It is next submitted that from the order impugned, it would manifest that it clearly records that during the course of investigation the witnesses were examined by the police and all the witnesses have specifically named the petitioner but despite his name figuring during the course of investigation, the police for reasons best known did not include the petitioner in the charge sheet, it is further submitted that since during the course of investigation, the witnesses had named the petitioner with specific allegation and despite such material on record, the police deliberately did not include the petitioner in the charge sheet that amply suggests that the petitioner was influencing the



investigation. It is next submitted that the learned trial court has recorded the reasons for summoning the petitioner for facing the trial.

4. Considering the submission made by the learned APP and the fact that the petitioner was named during the course of investigation, the court prima facie is of the view that there is no infirmity in the order passed by the learned trial court and as such the quashing application is dismissed.

(Satyavrat Verma, J)

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