

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27155 of 2023

Arising Out of PS. Case No.-220 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

BINESHARI PRASAD @ VINESHWARI SAH @ BINDESHWARI
PRASAD S/O MAHAVIR PRASAD R/O Village- Dhawani, P.S- Karakat,
Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-04-2023

Heard the parties.

This application has been filed for quashing the order dated 15.12.2022 passed by C.J.M. Rohtas at Sasaram in Sasaram (Muf.) P.S. Case No. 220 of 2020 for the offences under Section 302/201/34 of the IPC.

The prosecution story in short is that “One Ashok Kumar Gupta and his son namely Pawan Kumar Gupta was indulged in the business of wood industries and on 15.07.2020 at about 10 P.M., he was gone to Barun for the business purpose and about 3.30PM he informed through his mobile that bamboo tree was loaded and sent to Karahghar and in the evening the informant tried to contact his son but the mobile was switched off and about 7.30 informant received information that his son has met with an accident near Chaukhanda Chitauli and on this the informant reached at Police Station and found that his son was lying on the road in dead condition



and informant raised a suspicion against four accused persons including this petitioner that his son has been killed because of the land dispute.”

It has been submitted by the learned counsel for the petitioner that petitioner has been falsely implicated due to previous dispute and a title suit is pending between the parties. He further submits that there is no material available on record to connect the petitioner with the alleged crime.

The petitioner wants this court to hold mini trial at this stage which is not permissible in law.

In view of the above, this application is dismissed with liberty to the petitioner to raise all the grounds at the time of framing of charge in the Court below and if such an application is filed in the Court below, the Court below will be obliged to consider all the grounds of the petitioner including the fact there is no material available on record against the petitioner and charge cannot be framed.

Accordingly, this application stands dismissed with aforesaid liberty.

(Sandeep Kumar, J)

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