

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5088 of 2016

Arising Out of PS. Case No.-29 Year-2010 Thana- THAKURGANJ District- Kishanganj

1. Choudhary Khaliquzzaman and Anr. S/o Late Bahadur Hussain
2. Badiuzzaman @ Jack S/o Choudhary Khaliuzzaman Both are Masjid Road, Police Station, P.S. Kishanganj, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.M.Dayal App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 12-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

This application has been filed on behalf of the petitioners for quashing the order dated 09.12.2015 passed by learned Additional District and Sessions Judge, II, Kishanganj in S.Tr. No. 154 of 2013 arising out of Thakurganj P.S. Case No. 29 of 2010.

It has been submitted by the learned counsel for the petitioners that there is no material in entire case diary for framing of charge and the materials which have been discussed by the learned trial Court do not make out a case for framing of charge and the impugned order has been passed mechanically without application of mind.



Learned APP for the State has submitted that materials have come against the petitioner which is mentioned in different paragraphs which warrants the trial of the petitioner.

He has also submitted that if there is strong suspicion then the petitioner cannot be discharged in view of the judgment of Hon'ble Supreme Court in the case of *State of Bihar vs Ramesh Singh 1977 SCC 4 39*.

I have considered the submission of the parties.

In paragraphs 13 and 32, materials have come which casts a strong suspicion on the petitioners that they are involved in the death of the deceased who committed suicide.

In view of the above submissions, this application is dismissed.

The stay granted in favour of the petitioners is hereby vacated.

The Trial Court is directed to proceed with the trial expeditiously.

(Sandeep Kumar, J)

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