

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27652 of 2021

Arising Out of PS. Case No.-103 Year-1994 Thana- BEGUSARAI TOWN District- Begusarai

Ram Binod Choudhary Son Of Late Rameshwar Choudhary R/O Village And
P.O.- Matihani, Near High School, Ward No.-6, Begusarai, P.S.- Matihani,
District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-03-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. This application has been filed for quashing the order dated 22.01.2020 passed in Sessions Trial No. 279 of 1995, arising out of Begusarai Town P.S. Case No. 103 of 1994 for the offence alleged under Sections 302, 147, 148, 341, 324 of the Indian Penal Code and Section 27 of the Arms Act whereby and whereunder discharge petition filed by the petitioner has been rejected.

3. It is submitted on behalf of the petitioner that police after investigation, found false implication of the petitioner and submitted final form. Learned Court below accepted the final form and no protest petition was filed on behalf of the



informant. However, during trial after examination of four witnesses, petitioner was summoned under section 319 of Code of Criminal Procedure. It is further submission on behalf of the petitioner that from perusal of the FIR as well as case diary it is apparent that no allegation of firing against this petitioner has been leveled. He has been falsely implicated in this case merely because he happen to be brother-in-law of Ram Vinay Ray. He further submits that as a matter of fact land dispute was going on in between his brother in-law Ram Vinay Ray and the informant and petitioner being relative of Ram Vinay Ray, he has falsely been implicated in this case. He further submits that during trial four witnesses, who are relatives of the informant have been examined who in most collusive manner supported the prosecution case and as such no reliance can be placed on their statement and petitioner ought not have been summoned under 319 Cr. P.C.

4. Learned APP for the State vehemently opposes the submission advanced on behalf of the petitioner and while supporting the order impugned, submits that from perusal of the impugned order it is manifest that all the four witnesses who are charge sheeted witness even during investigation have named this petitioner as one of the culprit and during course of



examination also they have reiterated the same version.

5. Having heard learned counsel for the parties and perused the materials available on record and on considering the evidence of four P.Ws, the Court finds sufficient material for initiating the trial against this petitioner and issued summon under Section 319 Cr.P.C., Hence, this Court does not find any illegality, irregularity or error in the impugned order.

6. Accordingly, this application is dismissed.

(Prabhat Kumar Singh, J)

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