

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44519 of 2023

Arising Out of PS. Case No.-930 Year-2022 Thana- ARA NAGAR District- Bhojpur

RAJU KUMAR @ RAJU YADAV SON OF PRABHU YADAV @ PRABHU
RAI RESIDENTS OF VILLAGE- DHARHARA, POLICE STATION- ARA
TOWN, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. UDAY PRAKASH GUPTA SON OF LATE DR. HARI JI GUPTA
RESIDENT OF VILLAGE- MAHAJAN TOLI NO. 1, PS- ARA NAGAR,
DISTT- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Asha Kumari

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of the order dated 26.05.2023 passed in S.Tr. No. 238 of 2023 arising out of Ara Nagar Police Station Case No. 930 of 2022 passed by the court of Learned Additional Session Judge- XIII, Bhojpur at Ara whereby and whereunder the learned trial court has been pleased to reject the petition filed by the petitioner dated 16.05.2023 for discharge him for the offence/s under sections 364 and 302 read with section 34 of the Indian Penal Code as no case is made out against the petitioner hence no charge can be



frame against the petitioner.

3. As per the prosecution case, the informant's father went to collect the rent of the shop and house but did not return, thereafter the informant came to know that an altercation took place between his father and tenant, namely, Amar. The informant raised suspicion that the accused, Amar with the association of other co-accused persons abducted his father.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has transpired in the disclosure of the co-accused person. It is further submitted that there is nothing except the confessional statement of the co-accused and there is no any cogent material against the petitioner.

5. Learned APP for the State has vehemently opposed the quashing application of the petitioner by submitting that the co-accused Ritesh Kumar in his confessional statement has confessed that he along with the petitioner and other co-accused persons killed the informant's father by pressing his mouth. There is sufficient ground for proceeding against the petitioner.

6. Considering the above facts and circumstances of



the case, this court do not find any merit in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is disposed of.

(Chandra Prakash Singh, J)

guddukr/-

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