

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3488 of 2022**

Arising Out of PS. Case No.-189 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

TAJ KUMAR BOBBY @ BOBBY KAPRI S/O LATE BISHWANATH
KAPRI Resident of Village- Laxmisagar Colony, P.S.- Lalit Narayan Mithila
University District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNA KUMAR PASWAN S/O PAWAN PASWAN Resident of Village-
Gadhiya P.S.- Sadar District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	None
For the State	:	Mr. Sadanand Paswan, Spl. P.P
For the Respondent No.2:	:	Mr. Gajendra Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

8 23-01-2024

1. Nobody appears on behalf of the Appellant.

2. Mr. Gajendra Kumar Jha, learned counsel
appearing on behalf of respondent no.2 and Mr. Sadanand
Paswan, learned Spl. P.P. for the State are present and they are
heard on the merit of this appeal.

3. The instant appeal has been filed against the order
dated 30.07.2022 passed in SC/ST G.R. No. 94 of 2019, R.No.
94/2019 arising out of Sadar P.S. Case No. 189 of 2019 by the
learned 3rd Additional Sessions Judge- cum - Exclusive Judge
SC/ST(POA) Act, Darbhanga, whereby and whereunder the
discharge petition filed by the appellant has been rejected by the



trial Court.

4. It is submitted by learned counsel for the respondent no.2 that the order impugned has been rightly passed by which appellant's prayer for discharge made under Section 227 of Cr.P.C. has been rejected, as there is sufficient material against the appellant to frame charges upon him for the offences punishable under Section 302 read with Section 34 of IPC, Section 27 of the Arms Act and Section 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the informant claimed to have seen the appellant in fleeing position after committing the alleged occurrence of murder.

5. Heard and perused the order impugned, FIR and case diary of this case. It appears that there was a land dispute in between the victim and the accused persons including appellant and in this regard, some witnesses examined during investigation accepted the said dispute and the informant alleged that at the time of the alleged occurrence he was asleep in his home and on hearing the sound of firing, he went out of his house and saw this appellant and other co-accused persons in fleeing position on two motorcycles and when he reached near his grandfather(deceased), he saw two firearm injuries having sustained by his grandfather on his head and after sometime he



died on the spot. It was further alleged by the informant that on earlier occasion the accused persons threatened the victim to vacate the disputed land and thereafter, in furtherance of said enmity the alleged occurrence was committed. The informant supported the said allegation in his re-statement and in respect of the inimical term which was in between both the parties, the statements of other witnesses are also relevant. These materials are sufficient to prima facie attract the alleged offences against the appellant, hence the appellant's prayer for discharge made under Section 227 of Cr. P.C. was rightly rejected by the learned trial Court.

6. This Court finds no merit in this appeal. Accordingly, the instant appeal stands dismissed.

(Shailendra Singh, J)

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