

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1370 of 2023

Arising Out of PS. Case No.-102 Year-1998 Thana- SIWAN CITY District- Siwan

DHARMATMA PANDEY S/o Late Raja Ram Pandey R/o- Malviya Nagar,
New Basti Mahadeva, P.S.- Siwan Mufassil, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAMESH KUMAR PANDEY S/o Kailashpati Pandey R/o- Papaur, P.S.-
Pachrukhi, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 02-07-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

2. The present application has been filed for setting aside order dated 24.08.2022 passed in S. Tr. No. 515 of 2012 arising out of Siwan Town P.S. Case No. 102/1998 under Sections 302/34 of the Indian Penal Code and Sections 27 of the Arms Act, by A.D.J.-I cum Special Court, Siwan whereby and whereunder a petition filed under Section 227 of the Cr. P.C. on behalf of the petitioner to discharge him from the case as there is no sufficient ground for proceeding against the petitioner, has been rejected.

3. The contention of the petitioner is that his name has come during the course of investigation after nine years when



the informant gave the statement.

4. Learned counsel for the applicant who is the brother of the deceased has submitted that in this case initially the name of the accused persons was not given because dreaded criminal Shahabuddin and others including this petitioner were involved in the killing of the deceased. Subsequently, when Shahabuddin went inside jail in other connection in other ceases, the witnesses gathered courage to give their statement and during investigation, the name of this petitioner has come.

5. For farming of charge, strong suspicion is sufficient. The petitioner has been named by the witnesses.

6. In these circumstances, there is no infirmity in the impugned order dated 24.08.2022 passed in S. Tr. No. 515 of 2012 arising out of Siwan Town P.S. Case No. 102/1998. This application is dismissed.

(Sandeep Kumar, J)

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