

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.631 of 2015

Arising Out of PS.Case No. -34 Year- 2012 Thana -BALUA BAZAR District- SUPAUL

=====

Dhiraj Kumar, Son of Sri Satyendra Prasad, Resident of Village - Narsinghpur,
P.S.- Jairampur, Barigaha, District - Sheikhpura. Petitioner

Versus

1. The State of Bihar
2. Sitaram Singh, Son of Late Kailash Singh, Resident of Village - Madanpur P.S.-
Varisliganj, District – Nawada Opposite Parties

=====

Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-08-2015

The petitioner is a named accused in Balua Bazar (Lalit Gram) P.S. Case No. 34 of 2012 registered under Sections 304-B/34 and 120-B of the Indian Penal Code. He is the husband of the deceased. After completion of investigation the police submitted charge sheet against him and others under Sections 302 and 201 of the Indian Penal Code pursuant to which the learned Magistrate took cognizance of the offence and after complying with the mandate of Section 207 of the Code of Criminal Procedure, the case was committed to the court of Sessions for trial.

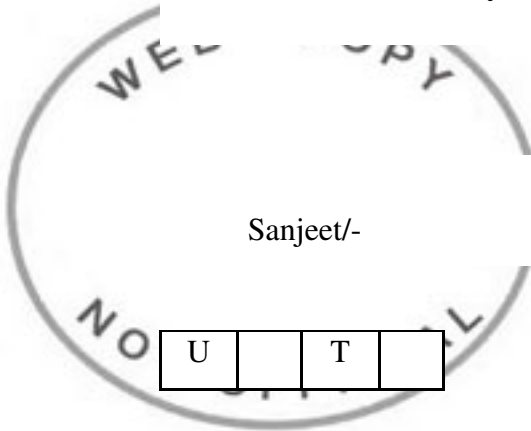
At the stage of framing of charge, an application was filed on behalf of the petitioner on 12.09.2013 seeking discharge from the case.

After hearing the parties, the learned Additional Sessions Judge-I, Supaul rejected the application filed on behalf of the petitioner vide order dated 22.09.2014. The said order dated 22.09.2014 is under challenge in the present case before this Court.

On perusal of the record, I find that the court below has taken into consideration not only the allegations made in the FIR but also the materials collected during investigation of the case and the police report submitted under Section 173 of the Code of Criminal Procedure for coming to the conclusion that there exists sufficient ground to proceed with the trial against the petitioner. I also find that the trial court has given clear, cogent and convincing reasons for dismissing the application filed on behalf of the petitioner seeking discharge from the case.

It would be evident from perusal of the record that there are serious allegations made in the FIR. The witnesses examined during course of investigation have supported the allegations made in the FIR. The plea of the petitioner of being innocent in the matter can only be considered at the stage of trial. At this stage, even a very strong suspicion founded upon materials leading the trial court to form a presumptive opinion as to the existence of factual ingredients constituting the offence alleged, would justify the framing of charges.

In that view of the matter, the application, being devoid
of any merit, is hereby dismissed.



Sanjeet/-

U		T	
---	--	---	--

(Ashwani Kumar Singh, J.)