

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19082 of 2015

Arising Out of PS.Case No. -1 Year- 2012 Thana -MAHILA P.S. District- PATNA

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1. Smt. Sushila Devi, wife of Shyam Bihari Prasad

2. Shyam Bihari Prasad @ Shyam Bihari Pd. Singh, son of Late Ramautar Prasad Singh

All resident of C-1, Housing Colony, Lohiyanagar, Kankarbagh, Police Station- Kankarbhag, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.

2. Uma Kumari, wife of Ravi Bhushan Prasad, daughter of Raghunath Prasad resident of Mohalla- P.N.T. Colony, Quarter No. 233, Type -II, Post Office- Kidwaipuri, Police Station- Budha Colony, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate
Mr. Vinod Kumar, Advocate
Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-07-2015

Heard learned senior counsel for the petitioner, learned Additional Public Prosecutor for the State and opposite party no. 2, who is informant of the case, in person.

2. This application under Section 482 of the Code of Criminal Procedure (For short 'the Code') is directed against the



order dated 11.12.2014 passed by the learned Judicial Magistrate-1st Class, Patna in Mahila P.S. Case No. 1 of 2012 by which the learned Magistrate has rejected the application for discharge filed under Section 239 of the Code. The petitioners are being prosecuted in the aforesaid police case registered under Section 341, 323, 354 and 498-A read with 34 of the Indian Penal Code.

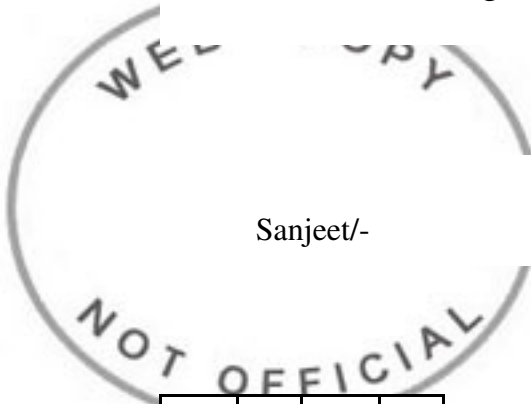
3. In the first information report, there is direct and specific allegation against the petitioners to have abused and assaulted the informant of the case. After registration of the FIR, the police investigated the case and found the allegations made in the first information report to be true and, accordingly, charge sheet was submitted against the petitioners pursuant to which cognizance of the offences alleged was taken. At the stage of framing of charge, an application under Section 239 of the Code was filed on behalf of the petitioners seeking discharge from the case.

4. After hearing the parties, the learned Judicial Magistrate-1st Class, Patna vide her order dated 11.12.2014 rejected the application for discharge filed on behalf of the petitioners.

5. Having heard the parties and perused the record of the case, I find no illegality in the impugned order passed by the learned Magistrate. Accordingly, the application is dismissed.

6. It is made clear that no part of the observation made

in the present order shall have any bearing on the merit of the case during trial.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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