

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17466 of 2013

Arising Out of PS.Case No. -28 Year- 2006 Thana -JANDAHA District- VAISHALI(HAJIPUR)

- =====
1. Dharam Singh S/O Sri Ram Bharos Singh, Resident + Post Narharpur, P.S. Jandaha, District Vaishali.
2. Sakal Singh S/O Sri Nanan Singh Resident + Post Narharpur, P.S. Jandaha, District Vaishali.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv.

For the Opposite Party/s : APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 30-07-2015 Heard learned counsel for the petitioners and learned APP for the State.

2. The present petition has been filed for quashing the order dated 18.02.2013 in Sessions Trial No. 147 of 2012 arising out of Jandaha P.S. Case No. 28 of 2006 by which learned Ad hoc Additional Sessions Judge-V, Vaishali at Hajipur has rejected the petition to discharge filed by the petitioners under Section 227 as well as 228(1) of Cr. P.C.

3. It is submitted on behalf of the petitioners that his discharge petition ought not to have been dismissed, considering that in the case of co-accused Nagina Singh the order dated 11.10.2007 in Sessions Trial No. 332 of 2007 was passed to the effect that there was no sufficient material for framing of charge

under Sections 376/511 of the Indian Penal Code against him and the file was sent to the learned Chief Judicial Magistrate, Vaishali at Hajipur for disposal of the case for the remaining charges. It is submitted that the present petitioners also stand on similar footing.

4. A perusal of the order of the learned Ad hoc Additional Sessions Judge- V, Vaishali at Hajipur discloses that rejecting the discharge petition filed by the petitioners a protest application was filed and on going through materials in the case diary, the Court has found sufficient material on record to frame charges under Sections 376/511 of the Indian Penal Code including other Penal Sections.

5. It is well settled that at the stage of framing charges, rather even strong suspicion against the petitioners is sufficient to proceed and no mini trial is required at this stage.

6. In the above view of the matter, the petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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