

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42390 of 2012

- =====
1. Subodh Kumar, S/O Late Girjanand Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali
 2. Manoj Kumar, S/O Late Girjanand Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali
 3. Saroj Kumar, S/O Late Girjanand Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali
 4. Binay Kumar Singh, S/O Kamleshwari Prasad Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali
 5. Ratan Kumar S/O Late Raghuvansh Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali
 6. Jitendra Kumar Singh, S/O Vidyanand Singh, Resident Of Village- Kailitand, P.S.- Bhagwanpur, District- Vaishali

.... Petitioners

Versus

1. The State Of Bihar
2. Anil Kumar @ Suresh Singh, S/O Harendra Prasad Singh, Resident Of Village- Raghunathpur, P.S.- Bhagwanpur, District- Vaishali

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Satya Prakash Sinha, Advocate
For the Opposite State : Mr. Md.A.Haque Sahara (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 30-04-2015 The petitioners figured as accused in Gr. No.1058/08, Tr. No.2717/10 on the file of Judicial Magistrate, First Class, Hakipur (Vaishali), wherein offence punishable under Sections 420, 467, 468, 471 and 120B I.P.C. was alleged.

Cognizance of the offence was taken and charges were framed. At that stage, the petitioners filed an application to discharge them under Section 239 Cr.P.C. The petition was rejected, through order dated 23.5.2012. Hence, this petition.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor of the State.

Cognizance of the matter was taken by the Chief Judicial Magistrate. Thereafter, investigation was taken up and final report was filed. Based upon the final report, charges were framed.

The question of discharge of the accused in such case can arise only when there is no material whatsoever for the charges. That is not the case. At the time of both, taking cognizance and filing of the final report, extensive inquiry and investigation, as the case may be, was undertaken and the trial court has rightly concluded that it is not a case of discharge.

This Court does not find any basis to interfere with the order dated 23.5.2012. The petition is dismissed.

(L. Narasimha Reddy,CJ)

PNM

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