

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 8100 of 2016

Arising Out of PS.Case No. -154 Year- 2007 Thana -CHHATAPUR District- SUPAUL

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1. Manoj Kumar Mandal @ Manoj Yadav @ Mahadeo Yadav @ Surendra Yadav Son of Surendra Yadav
2. Bijay Kumar Yadav @ Bishundeo Yadav, Son of Late Kari Prasad Yadav
3. Debram Yadav @ Deo Narayan Yadav @ Devanandan Yadav, Son of Late Kari Pd. Yadav
All are residents of Village- Nasha Tola Tamua, P.S.- Chhatapur, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar
2. Siyalal Yadav, Son of Late Ganeshi Yadav, Resident of Village- Nasa Tola (Tamua) (Rajeshwari O.P.), P.S.- Chhatapur, District- Supaul.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur
Mr. Bhim Kumar Yadav
For the Opposite Party/s : Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 05-08-2016 Heard Sri Mahendra Thakur, learned counsel, who was assisted by Sri Bhim Kumar Yadav, learned counsel for petitioners and learned Addl. Public Prosecutor.

Three petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 23-03-2015 passed by learned Addl. Sessions Judge 2nd, Supaul in Sessions Trial No. 133 of 2014/Sessions Trial No 134 of 2014 (arising out of Chhatapur P.S. Case No. 154 of 2007) registered for the offence under Sections 366A, 120(B) and 504 of the Indian Penal Code.

By the said order, the learned Addl. Sessions Judge has rejected the petition filed for discharge by the petitioners under Section 227 of the Cr.P.C.

It was submitted by learned counsel for petitioners that only on suspicion, petitioners were charge-sheeted as accused. Learned Addl. Sessions Judge, while rejecting the petition filed for discharge, has assigned no reason. This is the ground for assailing the impugned order.

The Court is of the opinion that even on suspicion, it would be sufficient for framing of charge. So far as assigning reason while rejecting the discharge petition is concerned, Section 227 of the Cr.P.C. does not speak for assigning reason. Detailed reason is to be assigned, if either learned Magistrate or learned Sessions Judge passes an order for discharging an accused person.

I do not find any defect in the impugned order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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