

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38833 of 2013

Arising Out of PS.Case No. -1873 Year- 2007 Thana -SIWAN COMPLAINT CASE District-
SIWAN

- =====
1. Pankaj Kumar, son of Rama Shankar Sah
 2. Rama Shankar Sah@ Ramashankar Prasad, son of Late Butai Sah
 3. Pawan Kumar, son of Rama Shankar Sah
 4. Smt Reshmi Devi, wife of Rama Shankar Sah
- All Sl. No.1 to 4 are resident of village- Pachchmi Guthani, P.S. Guthni, District- Siwan
5. Smt Binda Devi @ Brinda Devi , wife of Dharmendra Sah, resident of Kawa, at present Pachchmi Guthni, P.S. Guthni, District-Siwan
 6. Smt Renu Devi, wife of Dilip Kumar Resident of Village-Goriyaghat, P.S.-....., District-Diwariya (U.P.)

.... Petitioners

Versus

1. The State of Bihar
2. Smt. Munni Devi @ Munni Kumari, wife of Pankaj Kumar, resident of village- Pachchmi Guthani, P.S. Guthni, District- Siwan, at present residing at village- Salempur Mahadeva Nagar Parishad, Dautra no.16, P.S. Mufassil, District- Siwan.

... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 16-05-2016 Heard Sri Ajay Thakur, learned counsel, who was assisted by Sri Nilesh Kumar, learned counsel for the petitioners, learned Addl. Public Prosecutor as well as Sri Krishna Kant Singh, learned counsel appearing on behalf of the complainant/Opp.Party no.2.

At the very outset, learned counsel for the complainant/Opp.Party no.2, by way of referring to the impugned order, submits that charge in the case was already framed on

23.08.2012, whereas the petition for discharge was filed on 30.03.2013 and, as such, there is no point for considering the present petition.

Sri Ajay Thakur, learned counsel for the petitioners submits that even after framing of charge, once the petition for discharge was entertained and after examining the materials, the impugned order has been passed, this Court may examine the matter and pass appropriate order.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Keeping in view the fact that in this case charge was already framed, as indicated in the impugned order, there was no point for the learned Magistrate to entertain the discharge petition. Entertaining the discharge petition after framing of charge was misconceived.

I do not find any ground to pass any positive order. The petition stands dismissed.

In view of dismissal of the present petition, interim order of stay stands vacated.

(Rakesh Kumar, J)

NKS/-

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