

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38020 of 2017

Arising Out of PS. Case No. -98 Year- 2014 Thana -JAMHORA District- AURANGABAD

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Birendra Kumar Ram Son of Balkuer Ram, Resident of
Village-Haneyya Pohariharganj, P.S. Kuttumba District
Aurangabad (Bihar).

.... Petitioner

Versus

1. The State of Bihar
2. JagnarayanSingh Son of Late Rambriksha Singh, resident
of kataiya P.s. Jamhore District Aurangabad(Bihar).

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Opposite Party : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the Sate.

The petitioner has moved before this court seeking
quashing of the order dated 25.05.2017 passed by the learned
Additional Chief Judicial Magistrate – 1st, Civil Court
Aurangabad in G.R. No. 1617/2014, arising out of Jamhore
P.S. Case No. 98/2014 under Sections 239 of the Code of
Criminal Procedure.

By the impugned order the learned A.C.J.M. has
been pleased to reject the application under Section 239
Cr.P.C. filed on behalf of the petitioner.

Learned counsel for the petitioner submits that so far
as this petitioner is concerned, he has been falsely implicated
in the present case. He was working as Gram Panchayat Rojgar
Sevak and in fact after the case was lodged he has deposited



50% of the amount. It is further submitted that the petitioner had completed the entire work also.

Learned counsel for the State is present and has opposed the prayer.

It appears that on perusal of the impugned order that the learned A.C.J.M. has considered the prayer of the petitioner and only after taking note of the materials available on the record which includes the case diary of the case and other materials, he has come to a conclusion that at this stage there are sufficient materials to frame charges against the petitioner. At this stage, the court is not going to examine the veracity of the materials which are available before the court below.

It is well settled in law that at the stage of framing of charge the court is not required to hold a mini trial of the case and whether those materials should ultimately result in conviction of the petitioner or not will not be a reason to pass an order discharging the petitioner.

Learned counsel for the petitioner has tried to impress upon this court by producing a copy of the order dated 15.05.2018 in a case filed by the Ex-Mukhiya that the Mukhiya and her husband have moved this court against the order by which their application for discharge has been rejected.

In the opinion of this court, pendency of the application of the Mukhiya and her husband would not be a reason to withhold the disposal of the present application. This



court is satisfied from the reasoned order of the court below that at this stage no interference is called for.

This application is, therefore, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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