

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.581 of 2015

=====

1. Yamuna Singh, son of Late Govind Singh, resident of Village- Barauli,
P.S.- Narhat, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Alpana Devi, daughter of Nawal Kishore Sharma, resident of Village-
Eknar, P.S.- Hisua, District- Nawada

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Respondent/s : Mr. Md. Ansarul Haque (App)

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2018 This revision application has been preferred against the order dated 29.6.2015 passed in G.R.No.2025 of 2011, Tr. No.1793 of 2014, by which the discharge petition filed by the petitioner has been rejected by the learned court below.

This revision application has been preferred on the ground that the learned court below has failed to consider that except in the FIR no allegation has come against him during the entire investigation and so far allegation in the FIR is concerned, there is provision of investigation and in the investigation there is absolutely no evidence is against him. It is also submitted that on the other hand the materials show that there was illicit relationship of his daughter-in-law with his younger son and for that a divorce case had been filed and that was withdrawn later on.

Heard learned counsel for the A.P.P. and the learned counsel for the O.P.No.2, who has opposed the prayer of the



petitioner stating that there are materials in the FIR against the petitioner and the charge-sheet has also been submitted against him and as such there is no illegality in order dated 29.6.2015.

It is further submitted that so far order taking cognizance is concerned, it is well established that the court has to find out a prima facie case whereas the charge or discharge is concerned, the court has to look into the materials, which are sound enough to frame charges against the petitioner but as stated above, evidence against the petitioner is very weak and vague.

Having heard both sides and in view of the facts and circumstances, as stated above and also considering the fact that in the investigation nothing has been found against the petitioner except in the FIR and there is trend to implicate all the family members of the husband of the woman in a case under Section 498A of the IPC, impugned order rejecting the discharge petition does not appear to be based on the materials available on the record.

In such view of the matter, this application is allowed and the order dated 29.6.2015 passed in G.R.No.2025 of 2011, Tr. No.1793 of 2014 is set aside.

(Vinod Kumar Sinha, J)

chn/-

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

