

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37879 of 2016

Arising Out of PS. Case No.-121 Year-2013 Thana- BHAGWANPUR District- Vaishali

1. Upendra Sharma
2. Satyendra Sharma, Both are sons of Vishwanath Sharma resident at Vill- Sahtha, P.S. Bhagwanpur, Distt Vaishali.

... .. Petitioner/s

Versus

1. State of Bihar
2. Mamta Devi W/o Devendra Sharma@Tunna Resident of Vill- Sahtha PS Bhagwanpur Dist Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Opposite Party/s : Smt. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-10-2019 Heard Mr. Rajeev Ranjan, learned counsel for the

petitioner and the learned counsel for the State.

The petitioners have challenged the order dated

06.06.2016 passed in Sessions Trial No. 151 of 2016

arising out of Bhagwanpur P. S. Case No. 121 of 2013,

whereby the application preferred on their behalf for

discharge has been rejected.

By way of supplementary affidavit, learned counsel

for the petitioners has brought on record the order framing

charge against the petitioners way back in the year 2016.

Learned counsel for the petitioners submits that till



date, no witness has been examined.

I have perused the order impugned in the present petition.

It appears that the informant was married to the brother of the petitioners, but very shortly after the marriage, the relationship between the spouses got disturbed.

It has been submitted on behalf of the informant that on 17.02.2013 she was badly assaulted and was put to flames but somehow or the other she could be saved because of timely intervention of people who brought her to emergency ward in PMCH. At the time of lodging of the F.I.R., the child born out of the wedlock was also taken away and the informant was not made to even meet her.

On the basis of the statement made by the victim, the subject F.I.R. was registered for investigation.

The police after investigation submitted charge-sheet whereby cognizance was taken and the case was committed to the Court of Sessions for trial.

In the petition seeking discharge, the petitioners



have urged that the allegation against them is absolutely vague and is not borne out from the facts collected during the course of investigation.

It has been submitted that the victim alleges that she was put on flames and the door of the room was locked from outside.

Learned counsel for the petitioners with reference to paragraph 3 of the case-diary has tried to impress upon the Court that there was no lock on the door and it appears from the investigation report that the door was broken upon while it was locked from inside. Apart from this, it was submitted that the case was lodged after three months of the alleged occurrence. The court below, while rejecting the prayer for discharge, has perused the case-diary and has referred to paragraphs 3, 13, 16, 21 and 24 of the same and has come to the conclusion that a case is made out for the petitioners to be subjected to the rigours of trial.

The statement of the victim in paragraph 19 of the case-diary specify the specific role played by the petitioners.

Considering the aforesaid reasoning of the trial



court while rejecting the prayer for discharge, this Court does not deem it appropriate to interfere with the said order. All that this Court can direct is that the trial be expedited and be concluded without any unnecessary delay. The observations made in this order will not be to the prejudice of the petitioners during the trial.

There is no merit in the petition. The same is dismissed.

(Ashutosh Kumar, J)

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