

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82570 of 2019

Arising Out of PS. Case No.-21 Year-2012 Thana- NASRIGANJ District- Rohtas

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1. KRISHNA CHAUDHARY Son of Late Suraj Chaudhary
 2. Shankar Chaudhary Son of Suraj Chaudhary
 3. Amar Chaudhary Son of Doma Chaudhary
 4. Prabhu Nath Chaudhary Son of Late Rameshwar Chaudhary
 5. Dablu Chaudhary Son of Late Bhuneshwar Chaudhary
 6. Suryadeo Pal @ Suryadeo Bhagat Son of Late Nand Kumar Bhagat
 7. Law Singh Son of Sri Ram Chandra Singh Yadav
 8. Kanhaiya Singh Son of Saheb Singh Yadav
 9. Birendra Singh Son of Lallan Singh
 10. Doman Chaudhary Son of Ram Chandra Chaudhary
 11. Ram Dayal Choudhary Son of Late Bhagaru Chaudhary
 12. Sunil Chaudhary Son of Sri Ram Jee Chaudhary
 13. Neer Kewal Singh Son of Late Nanhku Singh
 14. Subash Singh Son of Sri Hari Charan Singh

All are Resident of Village- Jamalpur, P.S.- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sandeep Bahadur Singh Son of Sri Baban Bahadur Singh Resident of Village- Jamalpur, P.S.- Nasriganj, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surender Prasad Singh
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 12-12-2019

Heard parties.

2. This criminal miscellaneous petition has been
filed for quashing the order dated 5.6.2013 passed by learned
Judicial Magistrate 1st Class, Bikramganj, Rohtas passed in



Nasriganj P.S. Case No.21/12 (GR No.156/12) by which charges has been framed against petitioners under Section 147, 148, 149, 435, 120B of IPC and 27 of the Arms Act.

3. Informant in his written complaint upon which FIR was drawn has alleged that while he was present in his rice mill at about 9 A.M. on 9.2.2012 about 25-30 persons, namely, accused Bhaiya Ram, Krishna Chaudhary, Amar Chaudhary, Prabhunath Chaudhary, Dablu Chaudhary, Surendra Pal, Law Singh, Kanahiya Singh, Birendera Singh, Doman Choudhary, Ram dayal Choudhary, Shekhar Choudhary, Summi Chaudhary, Neer Kebal Singh and Subash Singh variously armed with deadly weapons came and it is further alleged that at the instigation of accused Bhaiya Ram, accused, Krishana Chaudhary and Neer Kebal Singh poured kerosene oil and set fire mill of the informant upon which Nasriganj P.S. Case No.21/12 was instituted against the petitioners.

4. After investigation, police found case to be true against accused petitioners and submitted charge-sheet against the petitioners upon which cognizance was taken by the court below against the petitioners and thereafter charges have been framed under Sections 147, 148, 149, 435 and 120B of IPC and 27 of the Arms Act against which present petition for quashing



the order of framing of charge has been filed.

5. It is submitted on behalf of petitioners that prior to present FIR, one more FIR was lodged by Baban Bahadur Singh, father of informant of present case with respect to same incident giving rise to Nasriganj P.S. Case No.19/12 dated 8.2.2012 (GR No.154/12) under Sections 147, 323, 149, 325, 379, 504, 149 of IPC and 27 of the Arms Act. Present case has been instituted as a counter blast to the case instituted by the side of petitioners against the informant and others giving rise to Nasriganj P.S. Case No.19/12 dated 8.2.2012 and Nasriganj P.S. Case No.22/12 dated 9.2.2019 under Section 147, 148, 149, 323 and 379 of IPC in which informant and others are accused.

6. At the time of framing of charge, the trial court is only to consider whether there are sufficient materials collected during investigation against the petitioners or not. Adequacy and sufficiency of the material and evidence cannot be examined at the stage of framing of charge. The trial court is not supposed to weigh the pros and cons of evidence and consider whether same will lead to conviction or not at the time of framing of charge. The defence of accused or his innocence cannot be considered at said stage. The charges framed cannot be quashed solely on the basis that present case has been instituted as a counter blast of



case lodged by petitioners if the trial court finds that there are sufficient and ample material and evidence for framing of charge against the petitioners. It is not a case that there is no evidence or material against the petitioners, as such, no charges can be framed against them.

7. Having considered the rival submission of the parties, this Court does not find any error or infirmity in the order passed by the trial court and accordingly, the present petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.12.2019
Transmission Date	31.12.2019

