

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86168 of 2019

Arising Out of PS. Case No.-203 Year-2014 Thana- HASANPUR District- Samastipur

1. MANZOOR HUSSAIN Son of Md. Husaina Resident of Village-Mauji, Police Station-Hasanpur, District-Samastipur.
2. Mustari Khatoon Wife of Manjur Hussain Resident of Village-Mauji, Police Station-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-01-2020 Heard the parties.

This application has been filed for quashing of order dated 3.10.2019 passed by the Addl. Sessions Judge I, Rosera, Samastipur in Sessions Trial No.177 of 2018 arising out of Hasanpur P.S.Case No.203 of 2014 , by which the petition for discharge under Sections 227 of the Cr.P.C. filed by the petition has been rejected.

The case in short is that on the written application of the informant with an allegation that on the order of the petitioner no.1, the petitioner no.2 has assaulted by *Farsa* and Hasanpur P.S.Case No.203 of 2014 has been lodged and after investigation the charge sheet has been submitted under Section 341, 323, 324, 308, 354, 379, 504, 506 and 34 of the IPC but after the cognizance the case has been committed to the court of Sessions which ultimately was transferred to the file of Addl. Sessions Judge I, Rosera, Samastipur.



It further appears that the petitioner has filed a petition under Section 227 of the Cr.P.C. for discharge.

Grounds for discharge filed by the petitioner is that even according to the FIR, the petitioner no.1 is order giver and the petitioner no.2 has assaulted. Moreover the petitioner no.1 was in the election duty in the Jharkhand and without considering the above, petition for discharge has been dismissed.

Having heard both sides and perused the record . From perusal of the record it appears that there are specific allegation against the petitioner no.1 of giving order and on that petitioner no.2 assailed by *Farsa* causing injury on the head and at the time of framing of the charge, the court has not examined the evidence meticulously . As discussed above there are *prima facie* evidence against the practitioners.

Considering the discussions as made above, I find no merit in this application.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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