

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12049 of 2023

Arising Out of PS. Case No.-306 Year-2021 Thana- BANKA District- Banka

BITTU SINGH S/o Sharma Nand Singh R/o Village- Karhariya, P.O. and
P.S.- Banka, Distt- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhat Ranjan S/o Ramchandra Prasad Singh R/o village- Babutola, P.S.and
Distt- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the opposite party
no. 2.

2. This application has been filed for quashing the
order dated 17.11.2022 passed by learned Sessions Judge,
Banka in Cr. Revision No. 40 of 2022 by which he has rejected
the prayer for quashing the order dated 10.05.2022 passed by
learned Ruby Kumari, J.M. 1st Class, Banka in connection with
Banka P.S. Case No. 306 of 2021, corresponding to G.R. No.
5078/2021 by which she has pleased to reject the discharge
petition of the petitioner under Section 239 of Cr. P.C.

3. As per prosecution, informant alleged that



as per the agreement dated 08.09.2020, the informant Prabhat Ranjan agreed to purchase a Hyva Truck bearing Reg. No. BR 51 C6669 from the accused petitioner on consideration amount of Rs. 18,00,000/- as per the said agreement the informant paid Rs. 18 Lac to the petitioner and when the informant asked the petitioner to hand over the vehicle to him, the petitioner refused to hand over the same, when the informant asked the petitioner to return money the petitioner issued a cheque No.- 001166 dated 31.01.2021 in favour of the informant but the same was dishonored by the Bank. Thereafter, informant went to petitioner's house upon which the petitioner abused and threatened to kill, accordingly, a legal notice was served by the informant to the petitioner.

4. The allegation against the petitioner is that he has cheated the opposite party no. 2 and the cheque issued by him has bounced. Now, the police has submitted chargesheet against the petitioner after investigation and the case is at the stage of framing of charge. The petitioner wants the examination of the defence materials whereas the trial court has to find as to whether a strong *prima facie* case is there or not for framing of charge. The trial court has found a strong *prima facie* is there for framing of charge.



5. I am not inclined to disagree with the trial court after going through the impugned order. The application is dismissed.

6. The trial court is directed to proceed with the trial on day to day basis and conclude the same at the earliest.

(Sandeep Kumar, J)

Ranjeet/-

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