

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11268 of 2023

Arising Out of PS. Case No.-63 Year-2017 Thana- MADHAURAH District- Saran

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1. HARIOM SINGH Son of Yogendra Singh @ Jhabu Singh R/o Village - Mohatta, P.S.- Marhowra (Gaura Bajar O.P.), District - Saran (Chapra).
 2. Chandan Kumar Singh Son of Yogendra Singh @ Jhabu Singh R/o Village - Mohatta, P.S.- Marhowra (Gaura Bajar O.P.), District - Saran (Chapra).
 3. Yogendra Singh @ Jhabu Singh Son of Late Shivnath Singh R/o Village - Mohatta, P.S.- Marhowra (Gaura Bajar O.P.), District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Paspati Kuwar Wife of Late Dharamnath Singh Village - Mohatta, P.S.- Marhowra (Gaura O.P.), District - Saran (Chapra).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand
For the Opposite Party/s : Mr. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-02-2023 Heard the parties.

This application has been filed on behalf of the petitioners for quashing the order dated 24.12.2022 passed in Sessions Trial No. 259 of 2022, arising out of Marhowra (Gaura Bajar O.P.) P.S. Case No. 63 of 2017, passed by the learned Additional Sessions Judge, VII, Saran at Chhapra by which the learned Court below has refused to discharge the petitioners.

Learned counsel for the petitioners submits that no offence is made-out and he wants this Court to believe the defence of the petitioners.



At the stage of framing of charge *prima facie* case is to be seen and if *prima facie* case is made out then the petitioners cannot be discharged.

In view of the law laid down by the Hon'ble Supreme Court in the case of *Saundra Rasu Vs. State of Karnataka (through the Deputy Superintendent of Police) 2022 (4) PLJR 4 SC*, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

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