

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18852 of 2016

Arising Out of PS. Case No.-1120 Year-2001 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Om Prakash Gupta son of Ramji Sah.
 2. Ramji Sah, son of Late Shiv Nand Sah.
 3. Bhagmani Devi, w/o Ramji Sah.
 4. Rajendra Sah @ Rajendra Prasad, son of Ramji Sah.
- All are resident of village-Nabiganj, Police Station-Basantpur, District-Siwan.
5. Phul Kumari Devi, wife of Dasrath Sah.
 6. Dasrath Sah, son of Lalan Sah.
- Both are resident of village-Garkha, Police Station-Garkha, District-Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Krishna Prasad, son of Late Vishwanath Prasad, resident of village-Chanpatia, Police Station-Chanpatia, District-West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-09-2023 Heard learned counsel for the petitioners as well as

learned APP for the State.

2. On query of the Court with regard to the state of the case, on which the learned counsel submits that the charges have been framed. The learned counsel Mr. Chandra Bhushan Prasad submits that the present quashing application has been filed seeking quashing of the order dated 27.01.2016 whereby the discharge application of the petitioner under Section 245 Cr.P.C. has been rejected and thereafter charges have been framed



which signifies commencement of the trial.

3. It is thus submitted that once the stage of the case has changed and prima facie from perusal of the order passed under Section 245 Cr.P.C., there is no infirmity, as such merely because the case now is being contested by the father-in-law of petitioner no.1, that does not make the order refusing discharge vulnerable. It is also that submitted that since trial has commenced the court should be reluctant in interfering.

4. Considering the submission made by the learned APP, the Court is not inclined to entertain the quashing application, accordingly rejected.

(Satyavrat Verma, J)

Prakash Narayan

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