

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22833 of 2015

Arising Out of PS. Case No.-71 Year-2012 Thana- ISUAPUR District- Saran

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1. Raj Kumar Singh.
 2. Sri Bhagwan Singh Both Sons of Hardeo Singh Both resident of village- Nawada, P.S. Isuapur, District- Saran.

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Sheo Shankar Singh Son of Ram Nath Singh resident of village- Nawada, P.S. Isuapur, District- saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 13-02-2023 This application has been filed for quashing the order dated 24.03.2015, passed by learned Additional District Judge-X, Saran at Chapra in Sessions Trial No. 14/2014 arising out of Ishuapur P.S. Case No. 71/2012, by which the Court below has rejected the discharge application filed by the petitioner.

Learned counsel for the petitioner submits that no offence under Section 307 of the Indian Penal Code is made out and therefore, the discharge application has been wrongly rejected by the Court below.

In the opinion of this Court, for framing of charge, a *prima facie* case is required and therefore, this Court will not



interfere at this stage. However, during the trial the petitioner will raise the issue of applicability of Section 307 of the Indian Penal Code relying on the injury report. The Court below is duty bound to consider the grounds raised by the petitioner that Section 307 of the Indian Penal Code is not made out.

With the aforesaid observations and directions, this quashing petition stands disposed of.

(Sandeep Kumar, J)

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