

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22840 of 2023

Arising Out of PS. Case No.-61 Year-2021 Thana- DANDKHORA District- Katihar

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1. MD. MUSLIM SON OF LATE MD. AMANAT @ SK. AMANAT R/O VILLAGE- KANDHARPAILLI, P.S.- DANDKHORA, DISTRICT-KATIHAR
 2. HEENA KHATOON @ HEENA PARWEEN WIFE OF MD. ANWAR R/O VILLAGE- KANDHARPAILLI, P.S.- DANDKHORA, DISTRICT-KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. SHAMSHAD SON OF LATE SK. NAJAM R/O VILLAGE-KANDHARPAILLI, P.S.- DANDKHORA, DISTRICT- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nath, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-10-2023 The petitioners' application for discharge under Section 227 of the CrPC has been rejected by an order dated 07.02.2023 passed by learned ADJ-2, Katihar in Sessions Trial No. 168 of 2022, which is under challenge in the present application filed under Section 482 of the CrPC.

2. Learned counsel appearing on behalf of the petitioner, assailing the impugned order, has submitted that without due application of mind, cognizance was taken in this case and the learned ADJ-2, Katihar, without due application of his judicial mind, has rejected the petitioners' discharge petition.

3. He contends that in an occurrence which had taken place in the background of some land dispute, the deceased died of single head injury because of fall, but the petitioners came to be falsely implicated.

4. From the submissions made on behalf of the petitioners, it further transpires that the trial has proceeded and the witnesses have been examined. After having perused the impugned order and other materials on record, I do not find any reason to interfere with the impugned order.

5. It goes without saying that the defense which the petitioners have taken in the present application can be taken by them before the trial court at the appropriate stage of the trial.

6. This application is dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J)

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