

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53738 of 2015

Arising Out of PS. Case No.-140 Year-2012 Thana- ASHOK PAPER MILL District-
Darbhanga

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1. Shiv Shanker Choudhary @ Shiv Kumar Choudhary Son of Devan Choudhary
 2. Rajo Choudhary @ Rajkumar Son of Mod Narayan Choudhary
 3. Ram Bhushan Choudhary Son of Pramod Choudhary All resident of village Sri Rampur, Police Station Ashok Paper Mill and District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lallan Thakur Son of Late Sbhadra Thakur resident of village - Sahora, Police Station - Ashok Paper Mill and District Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.R.P.S.Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-03-2023 No one appears on call on behalf of the petitioner.

The present petition has been preferred for quashing of the order dated 07.09.2015 passed by learned 2nd Additional Sessions Judge, Darbhanga in APM P.S. Case No.140 of 2012 whereby and whereunder took cognizance under Sections 304(B)/120(B)/34 of the IPC.

The police investigated the matter and submitted charge sheet whereafter cognizance was taken by the learned Chief Judicial Magistrate, Darbhanga on 24.08.2013 under Sections 304(B)/120(B)/34 of the IPC.



Thereafter, the petitioners preferred petition for their discharge which came to be taken up by the learned 2nd Additional Sessions Judge, Darbhanga in Sessions Trial No.518 of 2013 and vide reasoned order dated 07.09.2015, it held as follows:

“Perused the case record along with the entire case diary and it is apparent that the accused/petitioners are FIR, named accused and it appears that witnesses in para-6,14 have supported the prosecution version. By referring para-33 of the case diary where P.M. report has been stated and the doctor in his opinion stated that cause of death has been kept reserved pending the report of chemical analysis, Para-39 is the Supervision Note where sufficient materials are available with respect to the allegations leveled against these accused/petitioners and by referring para-113 of the case diary submitted that the I.O., of the case after thorough investigation submitted chargesheet against 5 accused persons including



these petitioners for the offence U/s 304(B), 120(B)34 of the LP.C. From perusal of the case diary, It also appears that after submission of the charge sheet, the Learned C.J.M., Darbhanga took cognizance against those accused petitioners and 2 others and thereafter, transferred the case record to the Court of the Learned S.D.J.M. Darbhanga who committed the case to the court of the Learned Sessions Judge, Darbhanga from where ultimately, this case record transferred to this court for trial and disposal and from perusal of the case record and case diary it appears that there are sufficient materials available against these accused/ petitioners and it is settled principle of law that even on strong suspicion, charge may be framed. In view of the aforesaid facts and circumstances of the case, the petition dated-3.2.2014 filed U/s 227 Cr.PC on behalf of the accused/ petitioners is devoid of any merit and is



fit to be rejected.

*Accordingly, the petition dated-
3.2.2014 filed U/s 227 Cr.P.C., for
further submitted that the Apex Court has
held that charge will be framed against
the accused discharge of the
accused/petitioners on behalf of the
petitioners stands rejected.*

*Put up on 26.9.2015 for framing of
Charge. Accused persons come in
persons for framing of charge.”*

Having gone through the FIR, the cognizance order as
also the order in question, this Court is convinced that no
interference is required in the order in question.

The petitioners if so want can raise all the points
before the Trial court.

With the aforesaid observation, the petition stands
dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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