

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49557 of 2017

Arising Out of PS. Case No.-376 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Krishnanandan Tiwari son of Birendra Tiwari,
 2. Birendra Tiwari, son of Shankar Tiwari
 3. Malti Devi, wife of Birendra Tiwari
 4. Manoranjan Tiwari, son of Birendra Tiwari all resident of Village- Mathia,
P.S.- Muffasil Motihari, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2023 1. Heard the learned counsel for the petitioners and
the learned APP for the State.

2. The learned counsel for the petitioners submits that
the present quashing application has been filed seeking quashing
of the order dated 31.07.2017 passed by the learned 9th
Additional Sessions Judge, East Champaran, Motihari, whereby
the petition dated 13.06.2017 filed by the petitioners under
section 227 of the Cr.P.C. seeking discharge in connection with
Session Trial No.692/2017/216/2017, arising out of Muffasil
P.S. Case No.376/2016 registered under sections 302, 328 and
34 of the Indian Penal Code has been rejected.



3. The learned counsel for the petitioners submits that during pendency of the present quashing application, the charges have been framed for which I.A. No. 1311/2018 has been filed seeking quashing of the order dated 20.02.2018, by which charges have been framed under sections 306 and 34 of the Indian Penal Code.

4. The learned APP Mr. Chandra Bhushan Prasad vehemently opposes the quashing application and submits that since charges have been framed, the same signifies commencement of the trial and since the trial has commenced, as such, the Court should not interfere in the trial.

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

6. Accordingly, the present quashing application is hereby rejected.

(Satyavrat Verma, J)

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