

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7100 of 2023

Arising Out of PS. Case No.-1841 Year-2017 Thana- SASARAM NAGAR District- Rohtas

1. BABU CHAND SINGH Son of Late Ram Lakhan Singh R/V/ MOhalla-
Lakhanu Sarai, P.S- Sasaram Nagar, Dist- Rohtas at Sasaram
2. Uday Chand Singh @ Uday Chand Mahto Son of Late Ram Lakhan Singh
R/V/ MOhalla- Lakhanu Sarai, P.S- Sasaram Nagar, Dist- Rohtas at Sasaram
3. Chandan Kumar Son of Uday Chand Singh @ Uday Chand Mahto R/V/
MOhalla- Lakhanu Sarai, P.S- Sasaram Nagar, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Niranjana Kumar Son of Late Haribansh Mahto R/V/ MOhalla- Lakhanu
Sarai, P.S- Sasaram Nagar, Dist- Rohtas at Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-04-2023 Heard the parties.

This application has been filed for quashing the order dated 24.11.2022 passed in S. T. No. 272/19 by the learned Additional District and Sessions Judge-18, Rohtas at Sasaram, whereby and whereunder learned Additional District and Sessions Judge-18, Rohtas at Sasaram has been pleased to frame charges against the petitioners under sections- 147, 149, 341, 323, 307/149, 504 and 506 of Indian Penal Code without any valid evidences whereas the case-counter case pending between the parties and the present case is counter case against the



petitioners while the petitioners lodged the F.I.R. earlier bearing Sasaram Nagar P.S. Case No. 1839/17 dated 10.12.17 prior to the present case. Even the petitioners have already filed the petition under section-228(1) (a) of Cr. P.C. before the learned A.D.J.-18, Rohtas on dated 05.09.2022 which was dismissed on dated 03.11.2022.

The prosecution story in short is that one Niranjana Kumar aged about 25 years gave his self-written report before the S.H.O., Sasaram Nagar, alleging therein that on dated 10.12.2017 at 04.00 P.M. (evening) the petitioners along with their family members have entered into his house having Lathi and Danda and assaulted him. Thereafter, his brothers and villagers came to rescue and attempted to pacify the matter but they assaulted him by means of Lathi and Danda, from which he sustained injury as well as they picked up the box of his wife in which Rs. 20,000/- (Twenty Thousand) was kept with Jewellery and they also threatened him.

On the basis of self-written report of the Informant, the F.I.R. bearing Sasaram Nagar P.S. Case no. 1841/2017 dated 10.12.2017 U/s 147, 149, 341, 323, 307, 379, 504, 506 of I.P.C. was registered against the petitioners and others.

By a detailed impugned order, the trial court has



found strong *prima facie* case against the petitioners for framing of the charge.

In view of the law laid down by the Supreme Court in the case of *State of Bihar vs. Ramesh Singh* reported in *1977 SCC(4) 39*, this application has no merit. It is, accordingly, dismissed.

(Sandeep Kumar, J)

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