

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78675 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- BAUNSI District- Banka

1. MAHESH YADAV @ MAHESH PRASAD MANDAL Son of Bhagwat Yadav Resident of Village-Babhangama, Police Station-Bounsi, District-Banka.
2. Binod Yadav @ Bal Binod Mandal Son of Mahesh Yadav @ Mahesh Prasad Mandal Resident of Village-Babhangama, Police Station-Bounsi, District-Banka.
3. Gaurav Yadav @ Gaurav Kumar Yadav @ Abhinav Kumar Son of Mahesh Yadav @ Mahesh Prasad Mandal Resident of Village-Babhangama, Police Station-Bounsi, District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This application is filed for quashing the impugned order dated 21.06.2019 passed by the Learned Additional Sessions Judge IIIrd, Banka in Sessions Trial No. 420 of 2018 arising out of Bounsi P.S. Case No. 121 of 2018 by which he rejected the petition filed by the petitioners under Section 227 of the Code of Criminal Procedure.

At the stage of framing of charge prima facie case is to be seen and if prima facie case is made out then the petitioner



cannot be discharged. By the impugned order, the same has been found by the Learned Trial Court.

In view of the law laid down by the Supreme Court in *State of Bihar vs Ramesh Singh 1977 SCC (4) 39 and Saundra Rasu Vs. State of Karnataka (through the Deputy Superintendent of Police) 2022 (4) PLJR 4 SC*, this application is dismissed.

(Sandeep Kumar, J)

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