

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2602 of 2022**

Arising Out of PS. Case No.-135 Year-2017 Thana- HARSIDHI District- East Champaran

Narendrra Paswan Son fo Jeeut Paswan Resident of Village - Beriyadih, P.S.  
Harsiddhi, Disrict - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bijay Choudhary Son of- Late Ramayodhya Choudhary Resident of Village  
- Beriyadih, P.S. Harsiddhi, Disrict - East Champaran.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ramakant Yadav  
For the Opposite Party/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      15-02-2024                      This is an application for quashing the order dated 23.09.2021 passed by learned Additional Sessions Judge 19<sup>th</sup>, Motihari in Sessions Trial No. 194 of 2020, arising out of Harsiddhi P.S. Case No. 135 of 2019, whereby the learned Addl. Sessions Judge dismissed the discharge petition filed by the petitioner.

2. Prosecution case, in brief, is that this petitioner alongwith four unknown persons came at the door of informant and demanded extortion money and upon refusal, the petitioner and other accused tied his neck by rope and this petitioner inflicted knife on his neck, which hit on his shoulder and thereafter, snatched a gold chain worth Rs. 48,000/- from the neck of informant.



3. Learned counsel for the petitioner submits that petitioner seeks discharge on the ground that he filed an application under the Right to Information Act and demanded CCTV footage regarding treatment given to informant, in reply, vide letter no. 235 dated 21.07.2017, it has been stated that no such injury report has been given in the name of Sri Vijay Chaudhary (informant) and thus, the injury, which is said to have been caused by this petitioner, is absolutely false and concocted. Hence, impugned order dated 23.09.2021 is fit to be quashed.

4. Learned A.P.P. for the State, while opposing the application and prayer made by this petitioner, has submitted that any document filed by the petitioner cannot be looked into at this stage. As such, there is no infirmity or illegality in the impugned order which requires interference by this Hon'ble Court.

5. It is settled law that at the stage of framing of charge, the only fact mentioned in the F.I.R. and other material available on record produced alongwith chargesheet would be looked into for this purpose. Any document / material of defence / accused cannot be considered by the trial court at that stage.



6. This petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

anay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

