

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6764 of 2023

Arising Out of PS. Case No.-44 Year-2019 Thana- PHULPARAS District- Madhubani

Bhupesh Kumar @ Bhupesh Kumar Singh Son of Jitendra Kumar Singh R/v-
Hulaspatti, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Binyanand Singh Son of Late Ram Ballav Singh R/v- Batsara, P.O.-
Mahlaur, P.S.- Rudrapur, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mrs.Madhuri Lata, A.P.P. Mr. Ajay Kumar Thakur, Adv. Mrs.Vaishnavi Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for quashing the order dated 25.11.2022 passed by the learned Additional Sessions Judge-I, Jhanjharpur (Madhubani) in Sessions Trial No. 297 of 2021, arising out of Phulparas P.S. Case No. 44 of 2019 punishable for the offence under Section 304(B)/34 of the Indian Penal Code, whereby the application filed for discharge of petitioner under Section 227 of the Cr.P.C. has been rejected.



3. At the outset, Sri Krishna Prasad Singh, learned senior counsel appearing on behalf of petitioner submits that during pendency of the case, charge has already been framed and evidences are being led by the prosecution.

4. The Hon’ble Supreme Court, in the case of **Ratilal Bhanji Muthani vs. State of Maharastra**, reported in **A.I.R. 1979 SC 94** and in the case of **Stree Atyachar Veerodi Parishadh vs. Dilip Nathumal Chordiya**, reported in **1989 S.C.C. (1) 715**, has held that after framing of charge, the question of discharge does not arise. Once charges are framed under Section 228 of the Cr.P.C., there is no back-gear for discharging the accused under Section 227 of the Cr.P.C.

5. Considering the law laid down by the Hon’ble Supreme Court in aforesaid cases (*supra*), this petition is dismissed.

(Prabhat Kumar Singh, J)

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