

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3892 of 2022

Arising Out of PS. Case No.-466 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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RAHUL KUMAR @ RAHUL KUMAR YADAV Son of Ram Pravesh Yadav
Resident of Village - Mushari Kabriya, P.S. - Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s :	Mr. A.G.
	Md. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2024 Heard the parties.

2. This application has been filed for quashing order dated 06.12.2021 passed by the Additional Sessions Judge-IV, Darbhanga in connection with S.T. No. 414 of 2019 arising out of Sadar P. S. Case No. 466 of 2018 whereby the petition filed by the petitioner on 13.03.2020 under Section 228(1) of the Cr.P.C. was rejected.

3. The prosecution case, in brief, is that this petitioner along with two unknown accused persons riding on motorcycle, stopped the vehicle of the informant and abused and assaulted him by means of metal object as a result of which the informant sustained injuries on the head.

4. Learned counsel for the petitioner submits that



learned Chief Judicial Magistrate, Darbhanga took cognizance against the petitioner under Section 341, 342, 323, 307, 504/34 of the Indian Penal Code on 14.03.2019 without considering the submissions made on behalf of the petitioner and learned Additional Sessions Judge-IV, Darbhanga rejected the petition filed by the petitioner by the impugned order dated 06.12.2021. He next submits that petitioner is innocent and has committed no offence whatsoever levelled against him and he has falsely been implicated in this case at the instance of the villagers out of grudge and malice. It is further submitted that while passing the order impugned, learned court below ignored the fact that doctor examined the informant and found that nature of injury is simple. During investigation, local and independent witnesses who were present at the place of occurrence have stated under Section 161 of the Cr.P.C. that the alleged injured Mukesh Yadav fell on the nad during the altercation due to which he sustained injury. He lastly submits that no offence under Section 307 of the Indian Penal Code is out against the petitioner.

5. However, learned A.P.P. for the State opposes the application and submits that there is sufficient material available on record to frame charge against the petitioner. At this stage, court is not required to go into the merit and veracity of the



allegations. It is a matter to be seen at the stage of trial.

6. It is settled law that at the time of framing of charge, the probative value of the material on record cannot be gone into. Learned trial court while considering the question on framing of charge has to sift and weigh the evidence for the limited purpose of finding out whether or not a *prima facie* case against the accused has been made out.

7. In view of the aforesaid facts and circumstances of the case, this quashing application is dismissed.

(Prabhat Kumar Singh, J)

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