

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9222 of 2024

Arising Out of PS. Case No.-4 Year-2012 Thana- KHAJANCHI HAT District- Purnia

Vicky Bhawal Son of Kanu Bhawal R/o Kaptanpara, P.S. - Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ahilya Kumari W/o Vinod Kumar Yadav R/o Professor Colony, Road NO. 04, Rambagh, P.S. - Sadar, Purnea, Distt. - Purnea 854301

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra

Mr.Niraj Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 18-07-2024 Heard the parties.

2.The present application is has been filed for quashing the Order dated 28.11.2023 passed by the Judicial Magistrate First Class, Purnea,in K. Hat P.S. Case No. 04/12 (bearing G.R No. 65/12 and CIS No. 19722/13) by which the J.M-1st, Purnea has rejected the petition of the accused Petitioner u/s 239 Cr PC on the ground that the said impugned order has been passed in complete ignorance of settled principles of law and has been passed in a most mechanical manner without application of judicial mind and further on the ground that chargesheet has not been submitted by the Investigating Officer against the petitioner and the investigation



did not find shred of concrete evidence against the present petitioner.

3. Allegations are serious in nature. Strong *prima facie* case is made out. The petitioner wants his discharge on the basis of the materials produced by him in his defence.

4. The Hon’ble Supreme Court in the case of **Ram Prakash Chadha Vs. The State of Uttar Pradesh** reported in **2024 SCC Online SC 1709** has held that the discharge application can only be considered on the basis of the materials produced by the prosecution and no material is produced by the defence.

5. Strong suspicion is sufficient for framing of charge.

6. In view of the aforesaid, this application is dismissed.

7. The trial Court is directed to expedite the trial.

(Sandeep Kumar, J)

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