

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8957 of 2022

Arising Out of PS. Case No.-53 Year-2018 Thana- PIPRAKOTHI District- East Champaran

1. AMIT KUMAR SON OF SRI RAVINDRA PRASAD RESIDENT OF VILLAGE- CHANDRAHIYA, P.S. MUFASSIL MOTIHARI, DISTRICT- EAST CHAMPARAN
2. MUNNA KUMAR SON OF SRI CHHATHU SAH RESIDENT OF VILLAGE- CHANDRAHIYA, P.S.- MUFASSIL MOTIHARI, DISTRICT- EAST CHAMPARAN

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur , Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-03-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. This petition has been filed for the quashing the order dated 06.01.2022 passed by learned Sessions Judge, East Champaran, Motihari in sessions Trial No. 644 of 2019 whereby and whereunder the learned Sessions Judge rejected the petition filed by the petitioners for discharging them from the said Sessions Trial holding that there is sufficient material for framing charge against these two petitioners.

3. At the outset, learned counsel for the



petitioners 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 facts and circumstances and the law laid down by the Hon'ble Supreme Court in aforesaid cases (supra), the petition has got no merit.

6. Accordingly, this petition stands dismissed.

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

