

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20133 of 2023

Arising Out of PS. Case No.-237 Year-2020 Thana- RAJNAGAR District- Madhubani

1. SIYARAM YADAV SON OF LATE RAM AWATAR YADAV RESIDENT OF VILLAGE - RATI MOHANPUR, P.S. - RAJNAGAR, DISTT. - MADHUBANI
2. RAM BAHADUR YADAV SON OF LATE RAM AWATAR YADAV RESIDENT OF VILLAGE - RATI MOHANPUR, P.S. - RAJNAGAR, DISTT. - MADHUBANI
3. DUNIYA YADAV @ DAYA RAM YADAV @ DUNIYA RAM YADAV SON OF LATE RAM AWATAR YADAV RESIDENT OF VILLAGE - RATI MOHANPUR, P.S. - RAJNAGAR, DISTT. - MADHUBANI
4. BHAVESH YADAV SON OF GANGA RAM YADAV RESIDENT OF VILLAGE - RATI MOHANPUR, P.S. - RAJNAGAR, DISTT. - MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. PAWAN KUMAR YADAV SON OF LATE BISHANDEV YADAV RESIDENT OF VILLAGE - RATI MOHANPUR, P.S. - RAJNAGAR, DISTT. - MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 22.07.2022 passed in Tr. No. 223 of 2021, arising out of Rajnagar P.S. Case No. 237 of 2020 by the learned Addl. Sessions Judge-IV, Madhubani, whereby the application filed



for discharge of petitioner under Section 227 of the Cr.P.C. has been rejected.

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 Maharashtra**, 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), the petition is dismissed.

6. Accordingly, this petition stands dismissed as infructuous.

(Prabhat Kumar Singh, J)

sanjeev/-

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

