

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24272 of 2023

Arising Out of PS. Case No.-97 Year-2019 Thana- MAHILA P.S. District- Nalanda

Kishore Kunal Son of Sri Jagdish Prasad Resident of village - Navichak, P.O.- Shahjahanpur, P.S.- Daniyawar, District - Patna. At present Deputy Manager United Bank of India, Branch Arambag Hugli, District - Hugli (West Bengal), Pin Code - 712601.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Singh Wife of Kishore Kunal Daughter of Devendra Prasad, Resident of Village - Navichak, P.O.- Shahjahanpur, P.S.- Daniyawar, District - Patna, At present village - Dharahra, P.O.- Dharahra, P.S.- Silao, District - Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-03-2024 This application has been filed for quashing the order dated 30.11.2022 passed by learned Sessions Judge, Nalanda at Biharsharif in Sessions Trial No. 345 of 2022, arising out of Mahila (Nalanda) P.S. Case No. 97 of 2019, whereby the discharge petition under Section 228 of the Cr.P.C. has been rejected, which was filed by petitioner to discharge him from the allegation levelled under Section 313 of the I.P.C.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is no cogent material against this petitioner, but only on the basis of further statement of the informant, chargesheet was submitted



under Section 313 of the I.P.C. alongwith other sections against this petitioner. Further, learned counsel for the petitioner fairly submits that during pendency of the case, charge has already been framed and evidences are being led by the prosecution.

3. 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 there is no backgear for discharging the accused under Section 227 of the Cr.P.C. Discharge post framing of charge is not viewed in Cr.P.C. That apart at this stage the defence of the petitioner cannot be looked into. I do not find any illegality or perversity in the order impugned warranting any interference by this Court.

4. Considering the facts and circumstances and 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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