

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25324 of 2023

Arising Out of PS. Case No.-191 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

DHARMENDRA SINGH SON OF LATE NAND KISHORE SINGH
RESIDENT OF VILLAGE - MARAWA, P.S. - BAIKUNTHPUR, DISTT. -
GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RAMESH KUNWAR SON OF LATE MATUKDHARI KUNWAR
RESIDENT OF VILLAGE - BALUA TOLA, P.S. - YADOPUR, DISTT. -
GOPALGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. The present application has been filed for quashing
the ode dated 28.09.2022 passed by the learned Additional
Sessions Judge VI, Gopalganj in Sessions Tr. No. 427 of 2021
whereby the court has dismissed the petition of the petitioner
filed for discharging under Sections 227 of Cr. P.C.

3. Learned counsel for the petitioner submits that the
partition suit is pending and the injury reports are from the
private hospital.

4. The aforesaid two grounds argued by the petitioner
are no grounds for discharge.



5. Enmity cuts both ways and the pendency of the partition suit will not be a ground for discharge.

6. The injury report submitted by the private hospital cannot be rejected. Investigating agency has found the injury report reliable and therefore, chargesheet has been submitted and now the discharge application has been rejected.

7. It has been held that at the time of framing of charge, prosecution records are to be seen and not the defence (*Ram Prakash Chadha Vs. The State of Uttar Pradesh* reported in *2024 SCC Online SC 1709*).

8. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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