

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37335 of 2024

Arising Out of PS. Case No.-295 Year-2013 Thana- BEUR District- Patna

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1. Dr. Manish Shankar Thakur @ Dr. Manish @ Mani Shanker Thakur @ Manish Kumar Son Of Surya Narain Thakur Resident Of Village- Mahabir Colony, Ps- Beur, Dist- Patna
 2. Ajay Shankar Thakur @ Vinit Kumar Son Of Surya Narain Thakur Resident Of Village- Mahabir Colony, Ps- Beur, Dist- Patna
 3. Navneet Kumar Thakur @ Sonu Kumar Son Of Narendra Thakur Resident Of Village- Mahabir Colony, Ps- Beur, Dist- Patna
 4. Navendra Thakur @ Navin Kumar Son Of Jai Narayan Thakur Resident Of Village- Mahabir Colony, Ps- Beur, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar Son Of Raj Kishor Pandey Resident Of Village- Mahabir Colony, Ps- Beur,Po- Beur, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Adv., Mr. Binod Kumar Singh, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

Date : 11-09-2024

The petitioners being the accused persons in connection with Sessions Trial No. 1025 of 2019, arising out of Beur Police Station Case No. 295 of 2013, has filed the instant Cr. Misc. case under Section 482 of the Cr.P.C., praying for quashing of the criminal proceeding by setting aside an order passed by the learned Additional Sessions Judge-II, Patna, under Section 227 of the Cr.P.C.

2. Indisputably, Beur P.S. Case No. 295 of 2013 was registered on the basis of a Fardbeyan made by one Ritesh Kumar



(hereinafter described as informant) on 16th December, 2013 at about 5:30 P.M., who came to the Police Station along with his elder brother Rajesh Kumar and sister Sugandha Raj and made a statement to the effect that on 15th December, 2013, he was sitting in the house of one Sachidanand Singh, who happens to be the landlord of the informant. He used to park his Car in the garage of the said house, as he was facing difficulty in putting his Car in the garage. He requested the landlord to construct a slope between the road and the garage. On the date of occurrence, wife of the landlord namely Vina Devi was supervising the construction work of the said slope, carried out by the mason. On that time, the accused persons came to the spot and started assaulting the Vina Devi pulling her hair. He tried to intervene, then Dr. Manish Shankar Thakur assaulted him on his head with the help of a khanti, causing bleeding injury from his mouth and nose.

3. On the basis of said complaint, Police registered the above mentioned P.S. Case under Section 447/341/323/324/307/504/34 of the I.P.C. After investigation of the case, Police submitted Charge-sheet against the accused persons under the above mentioned penal provision. The accused persons filed an application under Section 227 of the Cr.P.C. praying for discharging them from the said criminal case on the ground that it was initiated by Sachidanand Singh and his wife with the help of the



informant because of the land dispute between the said Sachidanand Singh and the accused persons. No such incident at all took place on the date of occurrence.

4. Learned Advocate on behalf of the petitioners at the outset draws my attention to Annexure- P/3 at page 28 of the instant Criminal Miscellaneous case. Annexure- P/3 is the Discharge Summary issued by the Advance Neuro Disgnostic Centre, Boring Road, Patna. Referring to the said Discharge Summary, it is submitted by the learned Advocate for the petitioners that the petitioners received bleeding injury on his face on 15th December, 2013, due to fall from a moving Motorcycle. Thus, the informant was not injured, on being assaulted by Dr. Manish Shankar Thakur.

5. It is contended by the learned Advocate for the petitioners that had the medical certificate been exhibited in the trial court. The case against the petitioner could not have been said to be proved and there was no, prima facie, cause to frame charge against the petitioners.

6. It is needless to say that while considering a petition under Section 227 of the Cr.P.C., it is not incumbent for the Trial Judge to consider each and every contradictions and discrepancies in the prosecution case. The prosecution is under obligation only to show a prima facie case against the accused persons. On proof of prima facie case, the learned Trial Judge is entitled to frame charge



against the accused. During the hearing of the application under Section 227 of the Cr.P.C., the Discharge Summary of the informant was not produced.

7. Moreover, the petitioners does not have any counter reply with regard to the allegation made against them for assaulting Vina Devi, the wife of Sachidanand Singh.

8. In view of above discussion, I am not in a position to quash the criminal proceeding at this stage.

9. The instant Cr. Misc. case is accordingly dismissed.

10. Since the instant Cr. Misc. case is pending from 2013 and charge-sheet has been filed in the year 2019, the learned Trial Judge is directed to take all endeavor to dispose of the criminal case expeditiously and preferably within six months from the date of communication of this order.

(Bibek Chaudhuri, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

