

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31562 of 2023

Arising Out of PS. Case No.-980 Year-2019 Thana- ARA NAWADA District- Bhojpur

1. Jai Kishor Sharma @ Jai Kishor Rai Son Of Balbhadra Rai Resident Of Village- Shiwalay Gali, Gautam Budh Nagar, Ara Gorhna Road, Ps- Ara Nawada, Distt- Bhojpur (Bihar)
2. Ankit Sharma @ Ankit Kumar Son Of Sri Jai Kishor Sharma @ Jai Kishor Rai Resident Of Village- Shiwalay Gali, Gautam Budh Nagar, Ara Gorhna Road, Ps- Ara Nawada, Distt- Bhojpur (Bihar)
3. Chhotu Sharma @ Amrit Kumar Son Of Sri Jai Kishor Sharma @ Jai Kishor Rai Resident Of Village- Shiwalay Gali, Gautam Budh Nagar, Ara Gorhna Road, Ps- Ara Nawada, Distt- Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Ajit Kumar Son Of Late Ramayan Singh Resident Of Village- Shiwalay Gali, Gautam Budh Nagar, Ara Gorhna Road, Ps- Ara Nawada, Distt- Bhojpur (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-07-2024 Heard the learned counsel for the petitioners,

learned counsel for the State and the learned counsel for the O.P.

No. 02.

2. This application has been filed for quashing of the order dated 27.03.2023 passed by the learned Additional Sessions Judge-X, Bhojpur, Ara in Sessions Trial No. 131 of 2022 arising out of Ara Nawada P.S. Case No. 980 of 2019.

3. Learned counsel for the petitioners; Shri Uday Kumar submits that no offence under Section 307 is made out as



the occurrence had taken on a trivial dispute.

4. The Hon’ble Supreme Court in the case of ***Ram Prakash Chadha V/s The State of Uttar Pradesh*** passed in ***Cr. Appeal No. 2395 of 2023*** has held that the discharge application can be considered only on the basis of the materials brought by prosecution and the defence of the petitioner cannot be seen.

5. Considering the facts and circumstances of the case, I am not inclined to interfere at this stage.

6. Accordingly, this application is disposed of with liberty to the petitioners to file an application for alteration of charge at an appropriate stage and if such an application is filed, the same shall be considered by the trial court in accordance with law.

(Sandeep Kumar, J)

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