

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44909 of 2023

Arising Out of PS. Case No.-1906 Year-2017 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Md. Nisar @ Nisaralam Son Of Md. Samad Resident Of Village- Ninga,Paschim Tola, P.S.- Barauni, Distt- Begusarai
 2. Md. Samad Son Of Late Md. Muslim Resident Of Village- Ninga,Paschim Tola, P.S.- Barauni, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Nasim Son Of Late Md. Sharif Resident Of Village- Ninga,Paschim Tola, P.S.- Barauni, Distt- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvottam Kumar
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2024 This is an application for quashing of the order dated 13.12.2022 passed in Cr. Revision No. 126 of 2022 by the learned Sessions Judge, Begusarai by which the court below has rejected the criminal revision filed by the petitioners as well as the order dated 25.03.2022 passed by the J.M.F.C., Begusarai in Complaint Case No. 1906(C) of 2017 wherein he has rejected the petition filed by the petitiones under Section 245 of the Cr.P.C.

2. Learned counsel for the petitioners has argued the case and has prayed that discharge application of the petitioners may be considered by this Court and the defence of the



petitioners may be examined by this Court.

3. The Hon’ble Supreme Court in the case of **Ram Prakash Chadha V/s State of U.P.; (2024) SCC OnLine SC 1709** has held that the discharge application can only be examined on the basis of the prosecution materials and not on the basis of the defence materials.

4. The Court below has found strong prima-facie case for framing of charge against the petitioners.

5. In these circumstances, I am not inclined to interfere in the impugned order and accordingly, this application is dismissed.

(Sandeep Kumar, J)

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