

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49497 of 2023

Arising Out of PS. Case No.-493 Year-2018 Thana- BARAUNI District- Begusarai

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1. Shiv Balak Poddar @ Sheo Balak Poddar Son Of Late Nathuni Poddar
Resident Of Village- Harpur, Ps- Refinery Op. Dist- Begusarai
 2. Dharmveer Kumar Son Of Sheo Balak Poddar @ Shiv Balak Poddar
Resident Of Village- Harpur, Ps- Refinery Op. Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-09-2024 Heard the learned counsel for the petitioners and the
learned APP for the State.

2. This is an application for quashing of the order dated 09.06.2023 passed in S.T. No. 41 of 2023 by the learned Additional Sessions Judge-XI, Begusarai in connection with Barauni P.S. Case No. 493 of 2018 by which the court below has rejected the discharge application of the petitioners.

3. As per the prosecution case, the petitioners along with others are alleged to have committed murder of the daughter of the informant due to non-fulfilment of demand of dowry.

4. The learned counsel for the petitioners submits that



the petitioners are the father-in-law and brother-in-law of the deceased and apart from the relatives of the deceased, other witnesses have not supported the prosecution case.

5. Learned APP for the State has opposed the application of the petitioners and has submitted that in view of the law laid down by the Hon'ble Supreme Court in the case of ***Ram Prakash Chadha V/s State of U.P.; 2024 SCC OnLine SC 1709***, this application is fit to be dismissed as at the stage of framing of charge, the materials produced by the prosecution are to be examined and not the materials produced by the defence.

6. I have considered the submissions of the parties and have gone through the records of the case.

7. After submission of charge-sheet, cognizance was taken against the petitioner under Section 306 and 304-B of the Indian Penal Code, subsequently, petitioners filed an application for discharge.

8. From the records, it appears that witnesses have supported the prosecution case and at this stage, if a strong prima facie case is found for framing of charge, the petitioner cannot be discharged.

9. The Trial Court has found materials in the case diary in support of the prosecution and has found a prima facie



case against the petitioners as the witnesses have supported the prosecution case.

10. Considering the law laid down by the Hon’ble Supreme Court in the case of *Ram Prakash Chadha V/s State of U.P.* (supra) and also considering the facts of this case, this application is dismissed.

(Sandeep Kumar, J)

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