

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57107 of 2023

Arising Out of PS. Case No.-117 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Sundar Kumar @ Sanjit Kumar @ Sanjeet Kumar Son Of Mithalesh Kumar
Singh Resident Of Village - Bindwara, P.S. - Kasim Bazar, Distt. - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muskan Kumari D/o Sapan Singh R/o vill - Bahadur Nagar, Kutchari Tola,
Kutlu Pur, P.s. - Mufassil, Distt. - Munger

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha
For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 29-08-2024 Heard the learned counsel for the petitioners and the
learned APP for the State.

2. This is an application for quashing of the impugned order dated 24.07.2023 passed by the learned Exclusive Special Judge (POCSO Act) -cum- Addl. Judge-VI, Munger in connection with Muffasil P.S. Case No. 117 of 2020 by which the court below has rejected the application of the petitioner for alteration of charge.

3. As per the prosecution case, the petitioner is accused of committing rape upon the victim.

4. The petitioner wants discharge on the basis of his defence materials.



5. It is settled law that at the stage of discharge, the materials produced by the prosecution and not the defence are to be examined and if a prima facie case is found for trial, the accused cannot be discharged.

6. Considering 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 dismissed.

(Sandeep Kumar, J)

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