

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1040 of 2019

Arising Out of PS. Case No.-209 Year-2012 Thana- BARAULI District- Gopalganj

Subodh Prasad @ Subodh Kumar @ Subodh Prasad Son Of Madan Prasad
Resident Of Village - Batardeh, P.S.- Barauli, Distt - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh
For the Respondent/s	:	Ms. Anita Kumari Singh
		Mr. Vyas Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 30-04-2024 The present application has been filed for setting aside the order dated 29.05.2019 passed by Fast Track Court No. II, Gopalganj in Sessions Case No. 345 of 2017 by which the application for discharge filed by the petitioner has been rejected.

2. The prosecution case in brief is that the informant has filed a complaint case stating that his marriage was solemnized on 07.06.2011 with the daughter of Surendra Prasad and in the marriage, the accused persons namely Subodh Prasad and Mandan Prasad met with him who assured him to get job at Amritsar.

3. Barauli P.S. Case No. 209 of 2012 under Sections 363, 367 and 364 was registered by the police and final form was submitted exonerating the accused persons.

4. The Magistrate differed with the final form and



took cognizance on 23.09.2015. The final form was accepted and thereafter a complaint was initiated.

5. It has been submitted by the learned counsel for the petitioner that no offence as alleged has taken place and for the disappearance of Dayanand Prasad, one Snaha was registered in the Patandi Chowk, Gurgaon P.S. on 12.10.2011 and thereafter the petitioner filed a discharge application on 05.04.2018 which has been rejected.

6. The learned Sessions Judge has found a strong prima facie case against the petitioner for framing of charge after examining the materials available on record.

7. For framing of charge, a strong prima facie case is to be seen and the trial court is not required to hold a mini trial at the stage of framing of charge.

8. Considering the law laid down by the Hon'ble Supreme Court in the case of *State of Bihar V/s Ramesh Prasad Singh;(1978) 1 SCC 37*, this application is dismissed.

9. The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

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