

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71882 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Chandrashekhar Chaudhur @ Chandrashekhar Singh @ Chandra Shekhar Chaudhary Son of Late Jagarnath Chaudhur Resident of Village - Maripur, P.S. - Phulwaria, District - Gopalganj
2. Birkeshwar @ Bir Chaudhur Son of Shiv Sagar Chaudhur Resident of Village - Maripur, P.S. - Phulwaria, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagmani Singh Son of Prabhunath Chaudhur Resident of Village - Maripur, P.S. - Phulwaria, District - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar
For the Opposite Party/s : Mrs. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-10-2024 Heard learned counsel for the parties.

2. The present application has been filed for quashing of the order passed against the discharge petition dated 13.08.2024 in the Sessions Trial No. 13/2024 in case related to Phulwariya P.S. F.I.R. No. 175/2023.

3. As per prosecution case, the accused persons including these petitioners are alleged to have assaulted the informant and his family members by means of farsa, sword. The allegation against these petitioners are that they assaulted the informant's father by means of sword due to which he sustained injury and the brother by means of knife due to which



he sustained injuries on his stomach.

4. From the reading of the records it appears that prima facie case is made out against the petitioner.

5. Learned counsel for the petitioners submitted that both the parties are agnates and there is land dispute between the parties, therefore the petitioners should be discharged.

6. From the records of the case, *prima facie* is found by the trial court, the petitioners cannot be discharged.

7. In these circumstances, the prayer of the petitioners cannot be allowed in view of the law laid down by the Hon'ble Supreme Court in the case of ***Ram Prakash Chadha Vs. The State of Uttar Pradesh reported in 2024 SCC OnLine SC 1709.***

8. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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