

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78118 of 2023

Arising Out of PS. Case No.-59 Year-2019 Thana- BARHIYA District- Lakhisarai

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1. DIWAKAR SINGH SON OF BINDESHWARI SINGH RESIDENT OF VILLAGE- LANGARPUR, PS- BARH, DISTT- PATNA
 2. SRIKANT SINGH SON OF BINDESHWARI SINGH RESIDENT OF VILLAGE- LANGARPUR, PS- BARH, DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SUBHAM KUMAR SON OF SRI PREM BALLABH KUAR SINGH RESIDENT OF VILLAGE- LANGARPUR, PS- BARH, DISTT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar
For the Opposite Party/s	:	Mr.Umeshanand Pandit
For the State	:	Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-07-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 10.08.2023 passed by the learned Sessions Judge, Lakhisarai in S.Tr. No. 215 of 2022 arising out of Barhaiya P.S. Case No. 59 of 2019.

3. Learned counsel for the petitioner wants this Court to consider his defence which is not permissible in law.

4. The discharge application has to be considered on the basis of materials produced by the prosecution and not the defence of the accused.



5. The Court below has considered the application of the petitioner in great detail and has relied upon the judgment of the Hon'ble Supreme Court in the cases of ***Palwinder Singh Vs. Balwinder Singh 2009 3 SCC 850*** and ***Sajjan Kumar Vs. CBI reported in 2010 9 SCC 368.***

6. The Court below has rightly held that if there is strong suspicion, charges can be framed and the probative value of the materials available on record should not be examined.

7. The Hon'ble Supreme Court recently in the case of ***Ram Prakash Chhadha Vs. State of Uttar Pradesh passed in Cr. Appeal No. 2395 of 2023*** has held that materials produced by the prosecution are to be seen and not the defence of the accused persons.

8. In these circumstances, this Court finds no illegality in impugned order.

9. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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