

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6435 of 2023

Arising Out of PS. Case No.-189 Year-2016 Thana- SIWAN CITY District- Siwan

Abdul Farid Khan Son of Abdul Anwar Khan Resident of Village- Pengawara,
P.S.- Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 26.08.2022 passed in Sessions Case No. 184 of 2021, arising out of Siwan Town P.S. Case No. 189 of 2016, by the learned Additional Sessions Judge-III, Siwan cum Special Judge MP/MLA/MLC, Siwan, whereby the application filed for discharge of petitioner under Section 227 of the Cr.P.C. has been rejected.

3. At the outset, learned counsel for the petitioner submits that during pendency of the case, charge has already been framed and evidences are being led by the prosecution.

4. The Hon'ble Supreme Court, in the case of *Ratilal*



Bhanji Muthani vs. State of Maharastra, reported in **A.I.R. 1979 SC 94** and in the case of *Stree Atyachar Veerodi Parishadh vs. Dilip Nathumal Chordiya*, reported in **1989 S.C.C. (1) 715**, has held that after framing of charge, the question of discharge does not arise. Once charges are framed under Section 228 of the Cr.P.C., there is no back-gear for discharging the accused under Section 227 of the Cr.P.C.

5. Considering the law laid down by the Hon’ble Supreme Court in aforesaid cases (*supra*), the petition is dismissed.

(Prabhat Kumar Singh, J)

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