

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4622 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- KATRA District- Muzaffarpur

Ram Kripal Choudhary, aged about 41 years (Male), son of Late Nunulal Choudhary, Resident of village Pahsaul, P.S. Katra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Md. Fahimuddin, APP
For the Opposite Party No. 2	:	Mr. Vinay Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-08-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner; learned APP for the State and Mr. Vinay Ranjan, learned counsel for the opposite party no. 2.

2. The present application has been filed for quashing the order dated 11.10.2023 passed by learned Additional District & Sessions Judge-6-cum-Special Judge POCSO,1, Muzaffarpur in G.R.No.102/2022 arising out of Katra P.S.Case No.365/2022, by which the discharge application of the petitioner has been rejected.

3. After a detailed hearing and detailed examination of the materials available on record, the Special Judge has rejected the discharge petition considering the evidence of the witnesses



as well as the materials which have come during investigation including the fact that the I.O. had taken the dog squad and the dog has also gone to the house of the petitioner.

4. It is well settled that the discharge application can only be considered and decided on the basis of the materials produced by the investigation and in the present case, strong *prima facie* case has been found by the Court below for framing of charge against the petitioner. The deceased is a 9 year old girl who was raped and killed.

5. Considering 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** and considering the materials available on record, this application is dismissed.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

