

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13192 of 2025**

Arising Out of PS. Case No.-831 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Shamim Alam @ Shaikh Shamim Ahmad Son of Laik Ahmed Resident
of Mohalla -Kajipur Shahjalalpir, PS- Sasaram Town, Distt.- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Ataul Haque, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT**

Date : 26-06-2025

Heard learned counsel appearing for the petitioner
and learned A.P.P. for the State.

2. This application has been preferred under section
482 of the Code of Criminal Procedure (in short, the
“Cr.P.C.”) as to quash the order dated 01.02.2025 passed
by learned District Judge-cum-ASJ-IV, Sasaram, Rohtas in
connection with Sessions Trial No. 661/2022 arising out of
Sasaram Town P.S. Case No. 831/2019, whereby learned
trial court has been pleased to dismissed the discharge
petition of the petitioner without any cogent reason.

3. It is submitted by learned counsel appearing for
the petitioner that though the petitioner is named with First



Information Report and was found seen by the informant of this case at the place of occurrence, having country made pistol in his hand, but specific allegation as to cause fatal fire arm injury is available against co-accused persons namely, Pappu Kahar and Aftab Alam.

4. It is submitted that during course of investigation, specifically in paragraph nos. 386, 287, 295, 323, 324, 325, 328 & 329 of the case diary, independent witnesses categorically stated that some unknown persons had killed Rajkumar Choudhary, disputing the entire version of the informant, and, therefore, there is no ground available as to frame charge against the petitioner for the offences punishable under section 302 of the IPC.

5. Learned A.P.P. for the State, while making a contrary submission, submitted that petitioner/accused is named in the FIR and found seen at the place of occurrence having arms in hand. His implication is with the aid of section 149 of the IPC, and therefore, it cannot be said that this is a 'groundless' case as to frame charge against the petitioner.



6. It is submitted that even a grave suspicion is sufficient to frame a charge, whereas in the present case, admittedly the informant, who is the eye witness of the occurrence, stated categorically that petitioner/accused was involved in the occurrence and found seen with country made pistol in his hand along with other co-accused persons.

7. It is further submitted that the defence version as raised by learned counsel appearing for the petitioner *qua alibi* cannot be looked into at this stage, being rule of evidence same can be looked into during the trial.

8. At this stage, it is submitted by learned counsel for the petitioner that charge against petitioner already framed during pendency of present petition.

9. Taking note of aforesaid factual submission, rejection of prayer under section 227 of the Cr.P.C. as pressed by the petitioner before the learned trial court, which is the impugned order also in the present proceeding, does not require any interference, as there is sufficient ground to frame charge against the petitioner.



10. Admittedly, charges already framed against the petitioner and trial of this case begins. Hence, present petition appears devoid of any merit.

11. Accordingly, this application stands dismissed.

12. Let a copy of this judgment be sent to the learned trial court immediately.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.06.2025
Transmission Date	27.06.2025

