

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49 of 2019

Arising Out of PS. Case No.-92 Year-2012 Thana- EKANGARSARAI District- Nalanda

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1. Pintu Kumar @ Bhartendu Kumar @ Bhartendu Vimal and Ors
 2. Ramanand Paswan Both Sons of Prakash Paswan,
 3. Prakash Paswan Son of Bado Paswan @ Badho Paswan.
 4. Pinki Devi Wife of Parmanand Paswan
 5. Chanchala Devi @ Anchala Devi Wife of Ramanand Paswan
 6. Shanti Devi wife of Prakash Paswan, All resident of Village Hussainpur, P.S. Rahui District Nalanda.
 7. Sanju Devi wife of Adlat Paswan resident of village Kalyanpur, P.S. Biharsarif District Nalanda

... .. Petitioner/s

Versus

1. State Of Bihar
2. Lalita Kumari Daughter of Nandlal Paswan resident of village oriyawan P.S. Ekangar Sarai District Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 17-03-2025 Heard the learned counsel for the petitioners as well as the learned APP for the State.

2. This is an application for quashing of the order dated 28.09.2018 passed by the learned 3rd Additional District and Sessions Judge, Hilsa (Nalanda) passed in S.T. No. 338/16 arising out of Ekanagar Sarai P.S. Case No. 92/2012 by which petition dated 01.10.2016 filed by the petitioner under Section 227 of the Cr.P.C. was rejected.

3. As per the prosecution case, the informant was married with one Pintu Kumar on 25-04-11 and she was living



in her *Susural* and after a few months of marriage, she became pregnant and thereafter the accused persons started demanding Rs. one lakh for doing business and for which she was tortured and assaulted by them. When her pregnancy was of eight months, accused persons assaulted in her abdomen by fist and leg due to which she suffered pain in her abdomen and in course of treatment she gave birth to a female child who died after two days and doctor had stated that she died due to assault in abdomen.

4. It has been submitted by the learned counsel for the petitioners that on the basis of said written report filed by the informant/O.P. No. 2, F.I.R. of Ekargar Sarai P.S. Case No. 92/2012 was registered under Sections 498A and 315/34 of the IPC and under Section 3/4 of the D.P. Act against the accused persons. I.O. after instituting the case examined the witnesses on different statement in *Fardbeyan*. He further submits that the Case-diary does not contain any other material or circumstances which could even prove a *prima facie* case against the petitioner in U/S 315 I.P.C. . He further submits that there is absolutely no ground to presume that the petitioners have committed the offence under section 315 I.P.C.

5. Learned APP for the State has vehemently opposed



the prayer of the petitioners and has submitted that the Court below has found a prima facie case for framing of charge and therefore has rejected the discharge application of the petitioner rightly.

6. I have considered the submissions of the parties and have also gone through the records of the case.

7. For framing of charge, a strong prima facie case is required which has been found by the Court below. Moreover, from reading of the FIR, I find that the allegations levelled against the petitioners, make out a case under Section 315 of the IPC also and, therefore, I am also of the view that the charges be framed under Sections 315 of the IPC and the discharge application of the petitioners has rightly been dismissed by the Court below.

8. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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