

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48035 of 2024**

Arising Out of PS. Case No.-93 Year-2021 Thana- SAHARGHAT District- Madhubani

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1. Ram Pukar Prasad, Son of Ramchandra Prasad
  2. Tannu Kumari, D/o Ramu Prasad
  3. Vina Devi, W/o Rampukar Prasad
  4. Anita Devi Wife of Ramu Prasad
  5. Jiwachhi Devi W/o Ramchandra Mahto
- All are R/o Village-Kerwa Khirodhoni Toll, P.S.-Saharghat, Dist-Madhubani, Bihar

... .. Petitioners

Versus

1. The State of Bihar
2. Pramila Devi, W/o Tej Narayan Mahto, Resident of Village-Kerwa Khirodhani Tol, P.S.-Saharghat, District-Madhubani

... .. Opposite Parties

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**Appearance :**

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

For the Opposite Party/s : Md. Aslam Ansari, APP

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

**Date : 06-05-2025**

The defects as pointed out by office be ignored for the present.

2. At the request of learned counsel for the petitioners the matter is taken up for hearing under the heading “For Admission”.

3. The present petition has been preferred for quashing of the order dated 19.04.2024 passed by learned Additional Sessions Judge-IV, Madhubani in S.T. No. 394 of



2023 arising out of Saharghat P.S. Case No.93 of 2021, whereby the learned trial court has pleased to reject the petition dated 06.12.2023 filed on behalf of the petitioners under Section 227 of the Code of Criminal Procedure (in short 'CrPC') for discharge the petitioners in the aforesaid case.

3. It is submitted by learned counsel that as per FIR, the allegation *qua* physical assault is general and omnibus against the petitioners and moreover same appears on the non-vital part. It is submitted that the weapons to cause fatal assault was *lathi*. It is also submitted that the present occurrence took place in the background of land dispute for which, the counter case was lodged by petitioners' side also, where both parties received injuries and as occurrence was *prima facie* free fight in nature, therefore, it can be safely said that petitioners were not under intention to cause death of injured/informant. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available in the matter of **Jage Ram vs. State of Haryana & Ors. [(2015) 11 SCC 366]** and, therefore, impugned order is fit to be quashed as no case for offence u/s 307 of IPC made out against petitioner.

4. Learned APP while opposing the present petition



submitted that the probative analysis of materials are not permissible at this stage and mere grave suspicion is required for framing of charge. It is submitted by learned APP that the impugned order is detailed and reasoned order and there is no occasion for this Court to interfere with.

5. Considering the aforesaid submissions and counter submissions, this Court is of the view that the probative analysis of materials are not permissible at this stage as same can be taken care during trial only. Accordingly, the present petition appears devoid of any merit.

6. In view of aforesaid, the present petition stands dismissed.

7. Let a copy of this order be communicated to the learned trial court forthwith.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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| AFR/NAFR          | NAFR       |
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