

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73697 of 2024**

Arising Out of PS. Case No.-276 Year-2022 Thana- KOTWA District- East Champaran

Sri Narain Singh, S/o Late Binda Singh, Resident of Village+Post-Jasouli Patti, Turkauliya, Turkauliya P.S.-Kotawa, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Kumari Anjali, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

2      20-03-2025      Considering the submission, the defect at Sl. No.6(i) be ignored for the present.

2. Heard learned counsel for the petitioner and learned APP appearing on behalf of the State.

3. It is submitted by learned counsel appearing for the petitioner that the present petition preferred challenging the rejection of discharge petition as pressed under Section 227 of the Code of Criminal Procedure (in short 'CrPC') before the 2<sup>nd</sup> Additional District and Sessions Judge, East Champaran at Motihari dated 24.07.2014 by petitioner/accused.

4. In this context, it is pointed by learned counsel for petitioner that prior to impugned order in present case, an



order under Section 91 of the CrPC was passed, which was allowed by the trial court calling for video clips of news channel and also the Call Detail Report (in short 'C.D.R.') of the informant.

5. The main contention as raised by learned counsel appearing for petitioner that the CDR and video clips of news channel, which was allowed to collect by learned trial court vide its order dated 09.10.2023 must be called before framing of charge, which must take note of, before deciding the impugned order.

6. The factual aspect of this case as per FIR suggest that informant is eye-witness of the occurrence, where this petitioner opened indiscriminate firing causing death of brother-in-law (Dewar) of the informant. Husband of the informant was also died during the occurrence. It is a case of double murder.

7. Considering the aforesaid, it appears *prima facie* that present petition has been preferred only as to delay the trial before the learned trial court without having any occasion.



8. The observations of learned trial court while deciding the petition under Section 227 of the CrPC as preferred by this petitioner, where it was observed by learned trial court that there is “sufficient ground” to proceed against petitioners and this case not falls under the category of “groundless,” appears not required to be interfered in view of the aforesaid factual aspect as narrated by the informant, who claimed to be an eye-witness of the occurrence, where her husband along with brother-in-law were brutally murdered by opening indiscriminate firing. Video clips and CDR may appreciate during the trial, in accordance with law and these are not so strong materials to doubt *prima facie* version of informant being eye-witness of the occurrence.

9. Considering the aforesaid, nothing survives in this petition. Accordingly, the same stands dismissed.

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

Sanjeet/-

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