

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49232 of 2019

Arising Out of PS. Case No.-4 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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BHOLA SINGH S/o Sone Lal Singh @ Sonelal Mahto Resident of Village-
Dekari, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.P.N.Shahi, Sr. Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 20-01-2026 Heard Mr. P.N. Shahi, learned Senior Counsel for the

petitioner and learned A.P.P. for the State.

2. The present application has been filed for quashing
of the order dated 11.06.2019 passed by learned Second
Additional Sessions Judge, Samastipur in Excise Case No. 4/17
whereby and whereunder the application for discharge filed by
the petitioner under Section 227 of the Cr.P.C. was rejected.

3. Paragraph '3' of the impugned order reads as
under:-

*True it is, at the stage of framing of
charge, the Court is concerned not with proof but
with the strong suspicion whether the accused has
committed an offence, which if put to trial, could
prove him guilty. Albeit this Court need not to
undertake an elaborate enquiry while sifting and*



weighing the material but needs to consider whether evidentiary material on record, if generally accepted would reasonably connect the accused with the crime or not. Once a case is presented to the Court by the prosecution, it is the duty of the court to sift through the material to ascertain whether prima facie case has been established against the accused or not.

4. With a strong *prima facie* case made out by the 2nd Additional Sessions Judge, I see no ground to interfere in the matter.

5. This application stands dismissed.

6. All the grounds raised by the petitioner in his defence in the trial shall be considered by the concerned court below and the dismissal of the discharge application by this Court will not cause any prejudice to the case of the petitioner.

7. Let a copy of this order be communicated to Principal District Judge, Darbhanga through FAX for its compliance.

(Sandeep Kumar, J)

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