

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31410 of 2016**

Arising Out of PS. Case No.-56 Year-2016 Thana- ISHAKCHAK District- Bhagalpur

Md. Shazad Alam @ Sahjad @ Guddu Son of Md. Nurul Hodda, Resident of
Mohalla- Islam Nagar, Bhikhanpur P.S. Ishakchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Sri Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

8 12-01-2026 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 18.08.2016 passed by the learned Additional Chief Judicial Magistrate-VI, Bhagalpur in connection with Ishakchak P.S. Case No. 56 of 2016 / G.R. No. 862 of 2016 / T.R. No. 398 of 2016.

3. Learned counsel for the petitioner has vehemently argued this case and the main contention of the learned counsel for the petitioner is that the charges could not have been framed against the petitioner as there is no recovery of illegal arms from the petitioner and the recovery is from one co-accused.

4. I have gone through the records of the case and the impugned order.

5. From the records of the case and the impugned



order, it appears that the discharge application of the petitioner has been dismissed by the Court below finding the prima facie case against the petitioner for trial and in the opinion of this Court, charges can still be framed against the petitioner even if the recovery of illegal arm is not from him and from other co-accused with whom the petitioner was found.

6. In these circumstances, the prayer of the petitioner cannot be allowed in view of the law laid down by the Hon'ble Supreme Court in the case of *Ram Prakash Chadha Vs. The State of Uttar Pradesh reported in 2024 SCC OnLine SC 1709*.

7. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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