

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59194 of 2022

Arising Out of PS. Case No.-40 Year-2016 Thana- MAHILA PS District- Katihar

1. Ramesh Chandra Paswan @ Ramesh Kumar Paswan Son Of Late Ram Chandra Paswan R/O Lal Kothi, P.S.- Katihar, District- Katihar
2. Rekha Kumari @ Rekha Devi Wife Of Raju Paswan R/O Lal Kothi, P.S.- Katihar, District- Katihar
3. Maya Devi Wife Of Late Ram Chandra Paswan R/O Lal Kothi, P.S.- Katihar, District- Katihar
4. Rakhi Kumari D/O Late Ram Chandra Paswan R/O Lal Kothi, P.S.- Katihar, District- Katihar
5. Neelam Devi Wife Of Ramesh Kumar Paswan R/O Lal Kothi, P.S.- Katihar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-01-2026 Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel appearing for the Opposite Party No. 2.

2. This is an application for quashing the order dated 17.08.2022 passed by S.D.J.M, Katihar in G.R. No. 1818 of 2016 arising out of Mahila P.S. Case No. 40 of 2016 whereby and where under he has been pleased to reject the discharge petition of the petitioner filed under Section 239 of the Cr.P.C.

3. A counter affidavit in the present case has been



filed on behalf of the Opposite Party No. 2 stating therein in paragraph 6 that in the present case, charges have already been framed and the trial has begun which is in an advance stage and interference at this stage would amount to stiffling of a legitimate prosecution. It was orally also stated by the learned counsel for the Opposite Party No. 2 that out of five prosecution witnesses, three have already been examined and two only remain to be examined.

4. In such view of the matter, the present application seems to have become infructuous and there exists no ground to interfere with the order rejecting the discharge application filed by the petitioner. However, the petitioner is at liberty to advance all his arguments during the course of the trial at the appropriate stage.

5. Accordingly, the application stands disposed of.

(Soni Shrivastava, J)

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