

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2570 of 2026

Arising Out of PS. Case No.-265 Year-2020 Thana- DARAUNDA District- Siwan

Sunil Rai S/O Jagdish Rai @ Jagdish Narayan Parsad Rai R/O vill.-
Bagauchha, P.S- Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has challenged the order dated 03.12.2025 passed by the learned District & Additional Sessions Judge-V, Siwan in Sessions Trial No. 49/2021 arising out of Daraunda P.S. Case No. 265 of 2020 whereby the learned trial court has refused to discharge the petitioner from the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant, namely, Sumit Kumar Singh alleged that on 27.09.2020, at about 01:00-02:00 P.M, his villager Bhim Sah informed his family members from his mobile and the family members of Bhim Sah informed other villagers that his father, namely, Sunil Kumar Singh has



been murdered near Karsaut Bridge. On this information, the informant, his family members and the villagers rushed to Karsaut Bridge, where his father was lying dead and sustained 8 to 10 bullet injuries. It is further alleged that the informant's father was the present Mukhiya of Balaun Panchayat and his villagers Pradeep Yadav, Sunil Rai (petitioner) and Satyendra Yadav had a lot of enmity with the informant's father and they had threatened to commit murder of his father and in this regard, an information was also given to the Maharajganj Police Station. It is further alleged that the informant is under full belief that they have hatched a conspiracy and committed murder of his father. It is further alleged that on that day, his father went to Siwan to board the villager Prabhu Yadav on train and in course of returning, petitioner, co-accused persons along with some unknown miscreants murdered him.

4. Learned counsel for the petitioner submits that as a matter of fact there is no eye-witness to the alleged occurrence, there is no iota of tangible falling material against the petitioner, in fact, some unknown criminals have killed the deceased and since petitioner is a Mukhiya of the neighbouring panchayat, he has been made accused to wreak vengeance. The deceased was a man of criminal background and he was killed by some rival



criminals.

5. Learned counsel for the State has vehemently opposed the prayer of the petitioner and submitted that there are ample materials against the petitioner, witnesses have supported the case against the petitioner and the confessional statement of co-accused Satyendra Yadav also goes to show that petitioner was involved in this case. The case is under Section 302 coupled with Section 27 of the Arms Act. The deceased was killed by the gunshot injury.

6. This Court finds that there are sufficient grounds for proceeding against the petitioner as the case was found true during the course of investigation, charge-sheet came to be filed and cognizance was also taken upon such submissions of the chargesheet.

7. The Hon'ble Supreme Court of India in the case of **Union of India vs. Prafulla Kumar Samal and Another** reported in (1978) 11 SC CK 0020, has observed that : Section 227 of the Code runs thus:-

“If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall



discharge the accused and record his reasons for so doing. The words 'not sufficient ground for proceeding against the accused' clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not a necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to shift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him."

8. Considering the entire facts and circumstances of the case, this quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

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