

**IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM- SPECIAL JUDGE
(SC/ST, NDPS & CHILDREN ACT)
AURANGABAD (BIHAR)
Sessions TRIAL No. 702/2025/41/2025
(Arising out of Mahila PS Case No. 31/2021)**

State of Bihar

Vs.

Sudhir Kumar & Ors.

Sr. No.	Date	Order with signature of the Court	Office Action/s taken with Date
	<p>Dated:- 23.03.2026</p>	<p>The case record has been placed before me for order after hearing the learned counsel on behalf of accused-petitioners namely 1. Sudhir Kumar @ Ravi Kumar and . Ranvijay Kumar @ Vijay Yadav over petition dated 24.01.2026 filed u/s 250 BNSS with a prayer to discharge the accused petitioners. The learned APP has opposed the this prayer of the accused-petitioners.</p> <p>While pressing the petition, the Learned Counsel on behalf of petitioners has submitted that the petitioners are innocent and have committed no offence. The informant Rinku Kumar had filed complaint in the court on the basis of which it was registered as Mahila PS Case No. 31/2021. It is further submitted that informant showing her husband sick has falsely implicated her cousin devar-Randhir Kumar, Sudhir Kumar and cousins Nandoshi Ranvijay Kumar and bhaisur Upendra Yadav. The place of occurrence is said to be village- Jakhaura, PS-Haspura although, the informant in her complaint petition has made witnesses namely Surendra Kumar, Pawan Kumar of village- Naadi, PS-Karpi, District-Arwal. During the investigation of this case, it is said that the informant's husband is fragile mind. The informant wants to do whatever she wants. Her father and brother want her to sell the land and use he property themselves. Witnesses testify that the plaintiff has not been harassed, this is a land dispute. There is no evidence of any injury to the plaintiff. There is no medical evidence of the informant to show that the informant ahs been molested. During the course of investigation it has come that informant lives with her children in her parental house.. A criminal case has been registered for the share. It is also submitted that there is no any evidence available in the case diary with regard to the alleged sections. Hence prayed to discharge the accused petitioners.</p> <p>Per contra the learned APP has vehemently opposed this prayed to reject the petition dated 24.01.2026 filed on behalf of accused-petitioners.</p> <p>Heard, the submissions of the both the parties and perused the case record as well as other materials available on the judicial record. The allegation against the accused-petitioners is that the informant's husband is a mentally weak persons and the cousin brother of the informant, Randhir Kumar, Sudhir Kumar, Nandosi cousin, Ranvijay Kumar cousin brother-in-law Upendra Yadav make the husband of the informant drink liquor and ganja and when the husband of the informant gets intoxicated, then sometimes Randhir Kumar, Sudhir Kumar, Ranvijay and Upendra Yadav comes house and signs obscene songs and engages in obscene acts in front of the informant. When the informant protests, they instigated her husband to beat her. It is further alleged that petitioners could take advantage of the informant's husband mental retardation and establish an illicit relationship with the informant. From perusal of the case diary vide para- 6,7,8 and 9 of the case diary, the witnesses in their respective statement have supported the case of prosecution. Moreover, on 12.02.2024, the cognizance U/ss-354(A), 354, 376, 511, 341, 323/34 of the IPC has been taken against the petitioners against which the petitioners filed an application before this court U/s-250 of the BNSS for discharge for the charges levelled against them. There</p>	

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are sufficient materials available to frame the charge against the accused-petitioners.

Section 227 of the Cr.PC empowers a Sessions Court to discharge an accused if it finds that there are insufficient grounds to proceed with the trial. This happens after the police have filed a chargesheet and the court after considering the case record and hearing arguments from both sides, decides that the evidence does not establish a strong enough case against the accused. The court must record its reasons for the discharge.

The decisions of this Court in Satish Mehra Vs. Delhi Administration and another and State of Bihar Vs. Ramesh Singh took divergent views on the competence of a special court/magistrate to look at material other than the final report read with documents filed by the prosecution in terms of section 173 of the Cr.PC. The issue was referred to a three-judge bench for decision in State of Orissa Vs. Debendranath Padhi. The full bench in a detailed examination of the statutory scheme and also the precedents on the point has held that the accused at the stage of framing of charge does not have a right to file material or documents. It is apt to excerpt the following paragraphs from the said decision.

What is the meaning of the expression " the record of the case " as used in Section 227 of the code. Though the word "case" is not denied in the Code but Section 209 throws light on the interpretation to be placed on the said word. Section 209 which deals with the commitment of case of the Court of Sessions when offence is triable exclusively by the Court of Session, he shall commit "the case" to the Court of Session and send to that court "the record of the case" and the document and articles, if any, which are to be produced in evidence and notify the Public Prosecutor of the commitment of the case to the Court of Session. It is evident that the record of the case and documents submitted therewith as postulated in Section 227 relate to the case and the documents referred in Section 209. That is the plain meaning of Section 227 read with Section 209 of the Code. No provision in the Code grants to the accused any right to file any material or document at the stage of framing of charge. The right is granted only at the stage of the trial.

In State of Maharashtra Vs. Priya Sharan Maharaj(1997) 4 SCC 393 it was held that at Sections 227 and 228 stage the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. The court may, for this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if is opposed to common sense or the broad probabilities of the case. 1. (1996) 9 SCC 766, 2. (1977) 4 SCC 39; see also Supdt. And Remembrancer of Legal Affairs, West Bengal Vs. Anil Kumar Bhunja And Others, (1979) SCC 4 274, 3. (2005) 1 SCC 568.

Considering the aforementioned facts and circumstances of the case, this court finds that there exists sufficient materials on the record to frame charges under the relevant provisions of law against the accused-petitioners. Hence, the petition dated

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24.01.2026 filed by the accused-petitioners namely **1. Sudhir Kumar @ Ravi Kumar and Ranvijay Kumar @ Vijay Yadav** is dismissed devoid of no merits.
(The order is dictated, and corrected by me.)

(Vishwa Vibhuti Gupta)

District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, NDPS & Children Act)
Aurangabad, Bihar
Dated : 23.03.2026

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