

In the Court of District & Addl. Sessions Judge-II, Begusarai

Present: Sanjay Kumar-III

S.T Case No- 220/2025

Bakhari P.S. Case No.- 42 of 2020

Pramila Devi & others Vs. State of Bihar

- 06.08.2025** 1. A petition dated 26.06.2025 has been filed on behalf of Parmila Devi under Section 228 of the Cr.P.C praying therein to discharge him from the criminal liability. The learned Addl. P.P. appear but no rejoinder was filed by him however he participated in the hearing. The learned Addl. P.P. opposed the prayer of the petitioner that there are sufficient materials available on record.
2. The learned counsel for the petitioner has submitted that after going through the entire case record it would be found that there is no even an iota of evidence available against the accused for framing of charge. That seeing the C.D of the case and the statement of the witness, as well as the maneuver of assault and nature of injuries of both the injured, it has come in to the light, that Section 307 of I.P.C may not be applicable in this case and other sections are of magistrary trial. Hence, the learned counsel of the accused persons has filed this petition u/s- 228 of Cr.P.C. As recorded by the I.O concern your honours will find that the informant injured has got single blow of 'Hathauri' on her head but no repetation of assult nor any intention to view circumstances are found at the time of occurrence and the injuries of both the injured as found by the medical expert are of simple nature. These facts show the accused persons have no intention to kill. So this court discharged him as there was no any cogent evidence available against him.
- The learned Addl. P.P has opposed the prayer and stated that the name of the petitioner has cropped in investigation and there are sufficient materials available on record and police has submitted chargesheet against him.
3. The brief facts from which this Bakhari P.S. Case No.- 42 of 2020 was lodged under Section 341, 323, 307/34 of I.P.C are that on 01.02.2020 her opponent, Pramila Devi, Sangita Devi, Chotu Kumar and Archana Devi altogether attempted to demolish the wall with a hammer ('Hathauri'). When informant asked them not to break it but they stating that it was her wall and they shouldn't break it. The dispute escalated and Ravi Mahto struck her on the head with a hammer resulting in bleeding and injury. When informant's daughter, Mamta Kumari intervened to protect them, but they assaulted her right thumb was injured. The police after investigation found the complicity of the petitioner and other accused and submitted chargesheet against them under Section 341, 323, 307/34 of I.P.C. Now, on the basis of this court has to see whether there are marital available on record to frame charge against the accused persons are not.
4. Section 228 of Cr.P.C is, framing of charge:-
- If, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which is not exclusively triable by the Court of Session, he may, frame a charge against the

accused and, by order, transfer the case for trial to the Chief Judicial Magistrate, (or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate) (Substituted by Act 25 of 2005, Section 22 for "and thereupon the Chief Judicial Magistrate"(w.e.f. 23.06.2006) shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report is exclusively triable by the Court, he shall frame in writing a charge against the accused. Where the judge frames any charge under clause (b) of sub-section (1), the charge shall be read and explained to accused, and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

5. Heard both the parties and considered their submissions, It is a settled principle of law that for framing of charges the court has to see whether there are a strong suspicion available against the accused persons which is more than a prima facie case. At the time of framing of charges the court does not have to look deep into the evidences and if there are evidences in the case or on the record that the petitioner is involved and if such evidences are not rebutted would lead into his conviction then there are reasons to frame charges and not discharge the accused.

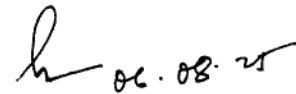
6. The allegation against the petitioner Pramila Devi is that a dispute over a boundary wall escalated into a violent attack, where the opponents demolished the wall, assaulted the informant and injured her daughter. There is specific allegation against the petitioners that they all were involve in breaking the wall and when they were opposed, Ravi assaulted him with hathaura 'Hammer' on the forehead. Police have submitted chargesheet against her under Sections 341, 323, 307/34 of I.P.C.

7. For the reasons stated above, there are sufficient materials available against the petitioner Pramila Devi to frame charges under Sections 341, 323, 307/34 of I.P.C. Accordingly, the petition under Section 228 is dismissed.

Accused persons are directed to appear physically before the court on next date for framing of charges.

Put up the record on 28.08.2025 for framing of charges.

Dict.



(Sanjay Kumar-III)

District & Addl. Session Judge-II,

Begusarai.

06.08.2025