

In the Court of Sri Anand Kumar Singh-I Addl. Sessions Judge-III, Begusarai
S.T. No. 674/2023
Arising out of Birpur P.S. case no. 152/2020
State of Bihar Vrs. Ram Bali Yadav & Ors.

10.09.2024

Today the case record put up for order on petition dated 18.04.2024 filed on behalf of the accused namely, Ram Bali Yadav and its rejoinder dated 04.05.2024.

I have heard both side and perused the case record.

Learned counsel appearing on behalf of the petitioner has submitted that the prosecution story is false and concocted which is based on conjecture and surmises. The petitioner has been falsely implicated in this false case due to ill motive of the informant. There is omnibus and general allegation against the petitioner. The petitioner not assaulted any one. There is no evidence against the petitioner. There is no iota of evidence against the petitioner. Therefore, he prayed to discharge the petitioner.

On the other hand learned Addl.P.P. appearing on behalf of the State has submitted that the petition for discharge filed by the accused is not maintainable. The accused petitioner is named in the FIR. There is a specific allegation of overtact upon the accused petitioner. The informant and injured sustained dangerous and grievous injuries on vital part. The swords used in the offence were seized from the P.O. Such petition is filed by the accused to delay in disposal of case. Therefore, it is fit case to reject the petition dated 18.04.2024.

From perusal of the case diary as well as FIR, it appears that petitioner is named in the FIR. Witnesses at para no. 3,19,20,21 have supported the allegation levelled against the petitioner. At para no. 10 is the search-cum-seizure list from which it appears that sharp cut weapons were recovered from the house of this petitioner. At para no. 44 is the fardbeyan of Raj Kumar Yadav in which he has supported the case of prosecution. At para no. 47,50,51,52 are injury report of injured persons from which it appears that two injuries on two injured persons are found to be grievous in nature by the doctor. Moreover charge sheet has been submitted against the petitioner and others u/s 147,148,341,323,324,325,326, 307,504,506 of IPC and on the basis of materials learned lower court has taken cognizance under aforesaid section against the petitioners. It is settled principle of law that charge can be framed even on slightest suspicion against the accused and in instant case there is sufficient material against the petitioner for framing of charge U/s-47,148,341,323,324,325,326, 307,504,506 of IPC. Accordingly, the

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discharge petition of accused namely, Ram Bali Yadav is hereby rejected.

Accused petitioner and others are directed to appear physically on next date.

Put up this case record on 24.09.2024 for framing of charge.

Dictated

(Anand Kumar Singh-I)
Addl. Sessions Judge-III
Begusarai