

In the Court of Addl. Sessions Judge-I, Gopalganj**Trial No. 152/2022****State Vrs Anil Yadav****Bhore, P.S. Case No. 181/2014**

Anil Yadav :----- Petitioner

V r s

The State of Bihar :----- Opposite party

Counsel for the petitioner :----- Sri Sunil Yadav, Advocate

Counsel for the Opposite party :--Sri Jay Ram Sah , Ld. A.P.P.

10-09-2025	Order	Remarks
	Discharge petition dated 10.09.2025 under Section 227 Cr.P.C./ 250 B.N.S. & 228 Cr.P.C./ 251 B.N.S. has been filed on behalf of the accused-petitioner Anil Yadav stated therein that there is no legal evidence against him to frame the charge. The Ld. Counsel for the petitioner has submitted that there is no legal evidence to frame the charge. On the other hand the Ld. Additional Public Prosecutor has filed the rejoinder and vehemently opposed the prayer of discharge and stated that there are ample material available on the record to frame the charge. Heard both sides and perused the case record. This case has been registered under the provisions of Section 302, 120B IPC/ 103, 61(2) BNS. As per decision of the Hon'ble Apex Court in <u>Sajjan Kumar vs CBI [2010] 11 S.C.R. 669</u>, in which seven principles have been laid down for deciding the petition. Perused the case record of Session Trial No. 152/22. This case was registered U/s 302, 120B IPC/ 103, 61(2) BNS and was of the year 2014 since, 11 years have been lapsed. The Charge-sheet has been submitted against the accused namely Anil Yadav. Against whom there is named FIR that this petitioner and other co-accused have committed murder of the son of the informant. There is sufficient material in paragraph no. 6, 8, 9, 29, 30,	

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31, 32, 37, 38 of the case diary to frame the charge against the petitioner. Postmortem report also shows the cause of death is Hemorrhage Shock due to above injuries. Therefore, the discharge petition filed on behalf of the petitioner is liable to be rejected.

Earlier, on dated 22-08-2022, the petitioner has filed another discharge petition which was dismissed due to non-prosecution on 06-06-2025. With view to delay the trial, the petitioner is submitting this type of petition.

Therefore, with the strict direction to the petitioner to be present on the next date for framing of charge otherwise the bail bond shall be forfeited.

Therefore, the discharge petition dated **10.09.2025 is hereby rejected and disposed off.**

(Dictated)

(Kailash Joshi)
A.S.J.-I