

**IN THE COURT OF ADDL. SESSIONS JUDGE -V, KAIMUR AT BHABUA
SESSION TRIAL NO. 190 of 2017**

13.12.2019

The present petition u/s 227 Cr.P.C. has been moved on behalf of the accused petitioners **1. Bhagwan Das Yadav 2. Ram Badan Yadav 3. Bullu Yadav**, praying for discharge in the case.

The informant has alleged that while he was taking rest in his home at that time the accused petitioners alongwith other co-accused persons entered his house and on the point of pistol demanded money. The informant alleges that he gave Rs. Five thousand and further the accused persons threatened him that they will not allow him to pursue his employment if his father-in-law does not withdrawn a case lodged against them. He has further alleged that thereafter the accused persons tried to strangulate him with a 'gamcha' (piece of cloth). Hence the information based on which Chand P. S. Case No. 25/2016 u/Ss 232, 380, 307, 504, 384 & 27 Arms Act was registered from which the above said STR case has arisen.

The accused petitioners have contended that the present case is false and concocted and has been lodged to harass and defame the petitioners and further that there is no evidence against them. They have further contended that the accused petitioners have no role in the escape of the wife of the informant and that it is the informant who has filed a petition for Restitution of Conjugal Rights u/s 9 of the Hindu Marriage Act. Hence in the circumstances of the case the petitioners pray for discharge in the case.

The ld. P.P. for the State has opposed the petition and submits that witnesses in their statements u/s 161 Cr.P.C. on paras 5, 12, 13, 14 & 25 of the case diary have supported the prosecution case. After perusal of the entire record the ld. Lower court took cognizance against the present three persons and committed them for trial to the ld. Court of District & Sessions Judge, Kaimur. He further submits that from the material available on record a prima facie case is made out and hence the present petition has no merit.

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I have heard the submissions of the respective Id. Counsels and perused the record of the case. I find force in the submissions of Id. A.P.P. for the State that witnesses in the aforesaid paras have supported the prosecution case. From perusal of the record in my view there is sufficient material available on record to make out a prima facie case against the accused persons. Hence I do not find any merit in the instant discharge petition and the same is therefore **dismissed**.

Office is directed to put up the file for framing of charge on 27.01.2020.

(Dictated)

Sd/-

Addl. Sess. Judge-V