

	<u>IN THE COURT OF ADJ-X, KAIMUR AT BHABHUA</u> <u>Sessions Trial No. 134/2026</u>
27.07.2026	Ld. Advocate for the accused has filed attendance of four accused persons and they are present in the court today. 2. Ld. Advocate for the accused persons have filed a petition on 27.07.2026 under Section 251 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as B.N.S.S) for discharge of accused persons u/s 109 of the B.N.S. Ld. Advocate has submitted that there is no material available on record to frame the charges u/s 109 of the B.N.S and the accused persons did not have any intention to kill the informant. Ld. Advocate has also mentioned that as per injury report, the informant did not get any serious injury leading to death. Therefore, Id. Advocate prayed that the accused persons be discharged u/s 109 of B.N.S. 3. Ld. Addl. PP for the State has opposed the discharge petition filed by the accused persons. 4. I have heard the Ld. Advocate for the defence as well as Ld. Addl. PP for the State. 5. The record has been perused and it is transpired that on 06.12.2024 at about 07:00 am the accused persons came to the house of informant and beaten him and injured him. The injury report of the informant shows injuries are simple in nature caused by hard and blunt substance. It appears that a quarrel was occurred between the parties over some trivial issues. After considering the injury report as well as the material available on record, it is transpired that the injured Tejbali Tiwari got simple injuries caused by hard and blunt object on the left side of upper and lower eyes and there is no repeated blows by the accused persons. Therefore, the Court opined that Section 109 of the B.N.S is not made out against the accused persons as there is no

intention to kill the informant.

6. In view of the facts and circumstances as discussed above, the accused persons are discharged from Section 109 of the B.N.S under Section 251 of the B.N.S.S. However, there are adequate material to frame the charges under Sections 329(3), 126(2), 115(2) read with sec. 3(5) of the B.N.S against the accused persons which is triable by Judicial Magistrate First Class. The charges u/s 329(3), 126(2), 115(2) read with sec. 3(5) of the B.N.S were framed against the accused persons to which they pleaded not guilty and claimed trial. Accordingly, the record of Chand PS case No. 283 of 2024 is remand back to the Ld. CJM, Bhabua for trial.

7. O/C is directed to send the Trial Court Record along with a copy of this order to the Court of Ld. CJM, Bhabua.

Dictated

sd/-

(Dr. Arun Tiwari)
Additional Sessions Judge-X
Kaimur at Bhabhua
27.07.2026

**IN THE COURT OF DR. ARUN TIWARI,
ADDITIONAL SESSIONS JUDGE-X, KAIMUR AT BHABHUA
SESSIONS TRIAL NO. 134 OF 2026**