

**Court of Additional Sessions Judge-21, Muzaffarpur, Bihar**

**Sessions Trial No. 419 of 2017**

**18.08.2023**

1. I have heard both side on petition dated 11.08.2023 filed on behalf of accused Md Rashid U/s 227 of Cr.P.C. The prosecution has not filed rejoinder of this petition , but has opposed the same during the hearing.

2. The submission of Ld. Counsel for the petitioner is that he is innocent and has falsely been implicated in this case. It has further been submitted that there is no specific allegation or overtact alleged against the petitioner Md Rashid. The fact is that one family member of accused/petitioner side was killed by informant side and the petitioner along with family members of deceased had went to hospital. In the meanwhile , some unknown persons had vandalised the house of informant. The independent witnesses have also supported this fact that no any family member including the petitioner was present at P.O as all they had went to hospital. Hence, as there is no material and evidence on record against the petitioner, hence, he is fit to be discharged from this case.

3. The Ld. APP has opposed this petition and has submitted that there is sufficient material on case record against the petitioner as the case diary witnesses have supported the case of informant. Hence, this petition is fit to be rejected.

4. Perused the case record. This case has been instituted by the informant Lalita Devi alleging therein that on dated 13.08.2015 at about 12:30 pm, the petitioner along with other several persons armed with lathi, danda and farsa came at house of informant and started to abuse. They all entered in the house and started to assault the informant. They brutally assaulted her and then her husband and daughter came to save her they also assaulted them. Thereafter, they went away. But again they came back and assaulted the informant and her family members. They again went away but again returned back and damaged the house property and set fire in the house. The informant and her family members any how could save themselves.

5. After investigation, police submitted charge-sheet against the petitioner and other accused persons for the offence U/s 147, 148, 149, 452, 341, 323, 324, 325, 307, 436, 380 I.P.C.

6. On perusal of case diary, It appears that case diary witnesses including the informant have supported the case of prosecution and they have

specifically named this petitioner committing the offence. They have deposed that the petitioner was involved in committing the offence. However, some witnesses have stated that all the male members of deceased family had went to hospital at the time of occurrence.

7. Now, Considering the statements of witnesses of case diary who have named the petitioner as committing the offence and other materials available on record, I find sufficient evidence for framing of charge against the petitioner. Accordingly, this petition is hereby rejected as having no merit.

Put up on 23.08.2023 for framing of charge. **All accused directed to present physically.**

Dictated and Corrected

Additional Sessions Judge - 21  
Muzaffarpur.