



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE-MUZAFFARPUR.**

Civil Court, Muzaffarpur
District: Muzaffarpur.
Criminal Miscellaneous Case no.27/2026
BRMZ010029602026

1. Sudhir Kumar Rai, aged about 30 years, S/o Sonelal Rai
2. Santosh Kumar, aged about 32 years, S/o Vakil Sah
both resident of village-Khalikpur, P.S. Ahiyapur,
District- Muzaffarpur

..... Applicants.

Versus

1. The State of Bihar

.....Opposite Party

Learned Counsel for the Applicants: Sri Vinay Kumar Singh, Advocate.

Learned Counsel for the OP State of Bihar: Sri Ajay Kumar, P.P.

ORDER
30.05.2026

1. The present criminal miscellaneous case has been filed by way of transfer of Special Case No.109/2025, arising out of Ahiyapur P.S. Case No.328/2023, registered u/s 354, 354(A), 354(B), 354(D), 504, 506/34 IPC, Section 8/12 of POCSO Act and u/s 3(i)(r)(s) of SC/ST Act, from the court of DASJ-6-Cum-POCSO Court No.1, Muzaffarpur.
2. The contention of the petitioners is that after the investigation, the police submitted chargesheet omitting the Section of POCSO Act but the learned Court differing with the findings of the police, took cognizance under POCSO Act also. It is further submitted that the petitioners neither given the opportunity to challenge the order passed by the trial court nor heard

before framing of the charge and was compelled to received the police paper. The further contention of the learned Counsel is that from the very beginning, he was not allowed to put relevant question to prove innocence of his client, the accused and the learned Court rejected his application u/s 45 of the Evidence Act without hearing the Advocate. The allegation is also thereof closing the prosecution case in hurry leaving out the independent witnesses.

3. The learned Counsel for the petitioners as well as the State submit that the matter has already been decided and the judgment is delivered and the accused were convicted on 07.04.2026.
4. Considering the fact that the judgment has been passed in this matter, the present miscellaneous application has become infructuous and as such, the petition stands disposed of.

The order was typed and corrected by Me:

sd/-

{Shweta Km.Singh}
Principal District & Sessions Judge,
Muzaffarpur.
(Dated 30th May, 2026)