

*represented
for bail*

COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- IIIrd, SAHARSA
ST No. 331/2025

Arising out of Sonbarsa Raj P.S. case no.- 79/2025

Naresh Yadav.....Petitioner

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
07.05.2026	1. Accused persons namely Ratan Yadav and Naresh Yadav appeared in persons having filed their attendance. 2. Heard Sugandhi Yadav, counsel for the accused persons and Naiyyar Alam for the state on the point of charge/discharge. 3. Learned counsel for the accused persons submitted that the court in this case has taken cognizance for the offences under sections 323,341,307,504,506 and 34 of the IPC, however specific allegation against the accused persons is that they have made assault on the person of the victim using Batt of the pistol as per the FIR and by means of fist and fats as per the statement of witnesses mentioned in the case diary and the same in itself shows that there was no intention to kill. Further he has stated that the injury report mentioned in the case diary shows that none of the injury are on vital part and also the injuries were simple in nature. Further he submitted that as per the prosecution the accused persons have given blow of Batt of the pistol on the person of informant/injured but had there been any intention to kill, the accused persons could have easily made firing aiming towards informant. Lastly he submitted that accused persons may be discharged from the offence punishable under section 307 of the IPC. 4. Learned counsel for the state submitted that in this case cognizance has already been taken for the offences under section 307, 323, 341, 504, 506 of the IPC r/w 34 of the IPC and there is material to frame charge for all the offences including section 307 of the IPC for which the cognizance has been taken. Further he submitted that the grounds being raised from discharging from section 307 of the IPC is a matter of trial and could not be considered at this stage. However he conceded that as per injury report mentioned in Para 29 of the case diary none of the injury are on vital part.	

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ingredient for the offence under section 307 of the IPC and the same is evident also from the injuries discussed above as the said injuries could not be life threatening. Thus there is no material to frame charge for the offence under section 307 of the IPC. However at this stage there is material to frame charges for the offences punishable u/s 323, 341, 504, 506 of the IPC r/w 34 of the IPC. Hence, I do not find any prima facie ground for framing charge u/s 307 of IPC.

Thus, there is sufficient ground on record to call the accused persons to face trial for the offences punishable U/Ss. 323, 341, 504, 506 of the IPC r/w 34 of the IPC. In the result, both the accused persons are discharged for Section 307 of IPC. Further charge has been framed, read over and explained to the accused persons in Hindi for the offences under sections 323, 341, 504, 506 of the IPC r/w 34 of the IPC to which the accused denied and claimed to be tried. Offences for which charge have been framed are not exclusively triable by Court of Sessions and thus the Court finds it appropriate to transfer the record to the committing court of Hasan Tabrej, learned JM1 st Class, Saharsa u/s 228(1)(a) of the CrPC for trial and disposal.

Office is directed to get the record transferred to the concern committing court of Hasan Tabrez, JM 1st Class, Saharsa prior to the next date for evidence on 10-06-2026 and further proceeding.

Office is further directed to arrange the record properly and send the same as directed.

(Dictated & corrected by me)

Chandan Kumar

(Chandan Kumar)
District & Addl. Sessions Judge III

Advocate
12/11/25