

In the Court of Shri Rohit, SDJM, Shahpur Patori

Complaint case ~~40/2026~~ ^{47/2026} 

Trial No. 1056/2026

Babu Lal Rai vs. Sanjeev Kumar Singh and ors.

Date	Order with initials of Magistrate	Remarks
10-07-26	Case called out and record produced before me. Record is fixed for rejoinder on discharge petition dated 20-06-2026 filed by the defence. Four accused namely Sanjeev Kumar Singh, Avdhesh Rai, Bateshwar Rai @ Batoran Rai and Amit Kumar Rai are in attendance along with their Ld. Counsel. No one is present on behalf of the complainant. Ld. Defence Counsel submitted that in this not a single witness was adduced at the stage of before charge evidence. There exist no material to frame charge against the accused persons and hence a discharge petition dated 20-06-2026 was filed on behalf of them. It was also pointed out by the Ld. Defence Counsel that the complainant is also absent since last several dates. Perused the record. Prima facie case u/s 147, 323, 504, 379 IPC was found against Sanjeev Kumar Singh, Avdhesh Rai, Bateshwar Rai @ Batoran Rai, Amit Kumar Rai and Ajit Rai and accordingly, summoning order was issued on 19-02-2012. Vide order dated 19-09-2024, proceedings against Ajit Rai were dropped due to his death. The complainant is continuously absent since last several years and not a single witness has been examined at the stage of before charge evidence. Sec 245(1) CrPC states that <i>"If, upon taking all the evidence referred to in section 244 the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him."</i> Thus, keeping this record pending for rejoinder of the complainant would only be a waste of judicial time. The circumstances provide that the accused persons	

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be discharge even without considering the discharge petition dated 20-06-2026 filed by the defence.

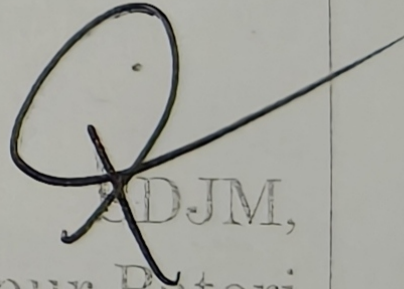
Considering the above facts and circumstances, accused persons namely:

1. Sanjeev Kumar Singh, S/O Bimal Singh, R/O village Hemanpur, PS-Mohiuddin Nagar, Dist-Samastipur, Bihar,
2. Avdhesh Rai, S/O Late Shiv Pujan Rai,
3. Amit Rai, S/O Bishundeo Rai, and,
4. Bateshwar Rai @ Batoran Rai,

(2) to (4) R/O Village Shivaisingpur, PS-Mohiuddin Nagar, Dist-Samastipur, Bihar, are hereby discharged u/s 245 CrPC.

Accused as well as their sureties are discharged from the liabilities of their respective bail bonds.

O/C is directed to recall all the processes, if any, unserved. Let the record be consigned to record room as per law.


ADJM,
Shahpur Patori
10-07-2026

Date of order	10-07-2026
Date of reserving order	Nil
Uploading date	
Uploaded by	