

In the Court of Md. Gheyasuddin, District & Additional Sessions Judge-II

Vaishali at Hajipur

Sessions Trial No.- 155/2023

Jandaha P.S. Case no.- 226/2022

State Vs. Aman Kumar

ORDER

28-04-2026

Accused Aman Kumar is in attendance.

A discharge petition dated 05.07.2023 filed on behalf of accused Aman Kumar u/s 227 of Cr.PC. moved today with the prayer to allow the petition filed on behalf of defence to discharge the accused. It has been submitted on behalf of the accused petitioner no offence as alleged by the informant took place rather the case has been filed with view to save from Jandaha P.S. Case No. - 96/2022 filed by sister of the petitioner. It has been further submitted that from perusal of the another witnesses no case u/s 307 of the Indian Penal code as well as u/s 27 of the Arms Act is made out against the accused petitioner. Accordingly prayer has been made for the discharged the accused petitioner.

The rejoinder has been filed on behalf of prosecution to the petition dated 05.7.2023 filed on behalf of the accused petitioner. It has been submitted by the Id. APP on behalf of the State that accused Aman Kumar used to demand Rs. 10 lakh as rangdari money from the Suresh Singh and threatened to kill if money is not paid. An ultimately on 24.01.2022 at 10.00 hours night, accused Aman Kumar made firing over informant with intention to kill which didn't hit him rather hit on wall, due to which he was saved. It has been further submitted that during investigation witnesses in para has supported the case of the prosecution. The S.D.P.O., and S.P., Vaishali has also supervised the case and found the prosecution case true. The police has submitted charge-sheet against accused on the basis of which cognizance has been taken and also after commitment this case has been transferred by the Court of Session for trial and disposal. It has been submitted on behalf of prosecution that case has been no injury no case has been made u/s 307 of the Indian Penal Code is

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madeout as there is no injury caused to the informant. The accused Aman Kumar fired on the informant with intention to kill but the cartridge didn't hit him rather hit the wall. The empty cartridge has been recovered and accordingly, seizure list has been prepared, which is on the record. It has been further submitted that there are sufficient material in this case accordingly, prayer had been made to dismissed this petition for discharge the petition.

Heard both the parties and the case record. From perusal of the case record, it appears that on the written report of the informant Jandaha P.S. Case No. 26/2022 has been registered against the accused, alleging therein in short is that accused Aman Kumar, who is to come to meet his sister, who is in criminal background, who used to come with 3-4 persons. Aman Kumar was controversially demanding Rs. 10 lakh as rangdari, and threatening to kill for non fulfillment of demand of dowry. On 24.01.2022 at 10.00 PM in the night, the informant after taking dinner of the party from Jandaha reached at 10.00 O'clock at his house and when he reached at his door, the Aman Kumar fired with pistol. He after hearing the sound of fire and they being fleeing away. There were four persons on motorcycles and Aman Kumar was firing on him. He went into her house saving himself and the cartridge hit on the wall. The villagers came with lathi, danda and thereafter the miscreants fled away.

Heard both the parties and from the perusal of the case diary it appears that on the written report of the informant Suresh Kumar Singh, Jandaha P.S, Case No. 26/2022 dated 30.01.2022 was registered against accused Aman Kumar and 3 unknown persons and investigating this case was entrusted to Manoj Kumar, the investigating officer. On completion of the investigating submitted charge-sheet for the offence u/s 448, 307, 504, 506/34 of IPC and u/s 27 of the Arms Act against

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accused Aman Kumar and on the basis of which cognizance for the offence u/s 448, 341, 307, 504, 506 of IPC and 27 of Arms Act by SDJM, Hajipur at Vaishali. The accused Aman Kumar alongwith other accused used to demand rangdari of Rs. 10 Lakh with informant and for non-fulfillment giving threatening and on the date of occurrence, he alongwith 3 unknown persons came at the door of the informant and when the informant came by after taking dinner of party in the night, then he fired on him, which didn't hit him. Whereas the cartridge hit on the wall. The cartridge was recovered from the place of occurrence and accordingly seizure list was on the record.

In the facts and circumstances of the case discussed above, it is found that prima facie case there is sufficient ground for framing of charge for the offence u/s 448, 341, 307, 504, 506 of I.P.C. and u/s 27 of the Arms Act against accused Aman Kumar. Accordingly, petition dated 05-07-2023 filed on behalf of accused petitioner discharged u/s 227 of Cr.P.C. is hereby rejected.

Put up on 29-05-2026 for Charge framed.

Sd/-

District & A.S.J.-II
Vaishali at Hajipur
28.04.2026