

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

Vaishali at Hajipur

Sessions Trial No.- 570/2018

Sarai P.S. Case no.- 111/2017

State Vs. Jitendra Rai & 2 Others

O R D E R

05-05-2026

Accused Birendra Rai, Jitendra Rai and Dharmendra Kumar is in attendance.

A discharge petition dated 12.12.2019 filed on behalf of accused persons namely Birendra Rai and Dharmendra Rai u/s 227 of Cr.PC. moved today with the prayer to allow the petition filed on behalf of defence to discharge the accused persons. It has been submitted on behalf of the accused petitioners that Sarai P.S. Case No.- 111/2017, for the offence u/s 341, 323, 307, 504 of the IPC has been registered against the accused persons. It has been further submitted that the accused petitioners has no committed any offence and the entire case of the prosecution is maliciously false and concocted and no concern with the alleged occurrence. It has been further submitted the F.I.R. has been lodged after 4 days. The informant was driver of the accused persons and they were demanding rangdari and lodged forged case. It has been also submitted that no case u/s 341, 323, 325, 307, 504 of the IPC is made out against the accused petitioners. Accordingly, prayer has been made for the discharged the accused petitioners.

The rejoinder has been filed on behalf of prosecution to the petition dated 12-12-2019 filed on behalf of the accused petitioners. It has been submitted by the Id. APP on behalf of the State that accused petitioners the petition of discharge has been filed to delay the disposal of the case. It has been further submitted that there are sufficient material in the case diary against the accused petitioner for framing charge and accordingly prayer has been made to reject the petition dated 12.12.2019 filed on behalf of accused petitioners to discharge.

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Heard both the parties and the case record. From perusal of the case record, it appears that Sarai P.S. case no. 111/2017 has been lodged against accused Jitendra Rai, Birendra Rai and Dharmendra Rai as named in the FIR for the offence punishable u/s 341, 323, 325, 307, 54 of the I.P.C. The investigating officer of this case submitted charge-sheet for the offence u/s 341, 323, 328, 307, 326, 504 of the IPC against accused persons namely, Jitendra Ram, Birenra Ram and Dharmendra Ram all S/o Upendra Ram and accordingly cognizance has been taken for the offence u/s 341, 323, 325, 307, 326, 504 of IPC against the accused persons named in the FIR and the allegation against accused persons abused, assaulted, and also assaulted by throwing bricks and assaulted on the head of the informant due to which he sustained injuries on his eyes and his left eye was damaged. He was treated at Hajipur Sadar Hospital.

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 punishable u/s 341, 323, 325, 307, 326, 504 of I.P.C. against accused Birendra Rai and Dharmendra Rai. Accordingly, petition dated 12.12.2019 filed on behalf of accused petitioners discharged u/s 227 of Cr.P.C. is hereby rejected.

Put up on **08-05-2026** for Charge framed.

District & A.S.J.-II
Vaishali at Hajipur
05-05-2026