

In the Court of Md. Gheyasuddin District & Addl. Sessions Judge- II
Vaishali at Hajipur,
S.Tr No. 273/2025

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17.04.2026 This is an order on the petition dated 08.08.2025 filed u/s 227 of Cr.P.C for discharge and rejoinder dated 05.12.2025 filed on behalf of prosecution. It has been submitted on behalf of petitioners that no case is made out against the petitioners. It has been further submitted that in post-mortem doctor has found one wound on the head of the deceased. Deceased was treated at Sadar hospital and from there referred to PMCH, Patna and from there also referred to Ruban Hospital, Patna. It has been further submitted that occurrence has taken place in the broad day light but only the family members and co-sharer are witnesses of the occurrence. It has been further submitted that there was land dispute between the parties and due to the same the petitioners have been falsely implicated.

The re-joinder dated 05.12.2025 was filed on behalf of prosecution and it was submitted that petitioners are named in the FIR and there is specific allegation against them of committing the offences. The investigating officer during investigation has found the case true against the petitioners. The deceased died during treatment due to assault of accused/petitioners and there is sufficient material to frame the charges against accused/petitioners. Accordingly, prayer has been made to reject the petition dated 08.08.2025 u/s

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227 for discharge filed on behalf of defence may kindly be dismissed.

From perusal of the case record it appears that on the written report of informant Santosh Kumar Mishra the case has been instituted. The informant in his written report has said that on 29.10.2023 at 09:00 o'clock in the morning he was at his door and in the meantime his neighbour Vimal Mishra, Yasumati Kumari, Sumit Kumar, Amit Kumar, Gita Devi, Choti Kumari all of Village-Mahandabad, PS-Sarai, Dist-Vaishali with common intention having with arms came at his door started giving abuses. On his abuses his father Ram Swarat Mishra objected then Vimal Mishra pushed his father who fell down thereafter her wife told their sons to kill him then Sumeet Kumar assaulted with spade due to which his head was fractured and blood woozed out profusely. On seeing he along with his brother Manoj Kumar came running to save their father then other accused persons assaulted with lathi, danda and injured him. The villager brought his father to Sadar Hospital for treatment and from there due to critical condition he was referred to PMCH, Patna and from there also he was brought to Ruban Hospital, Patna and he died on 30.10.2023 during treatment at Ruban Hospital, Patna. In this case the investigating officer on completion of investigation submitted charge sheet vide CS no. 188/2024, dated 13.06.2024 for the offence u/s 147, 148, 149, 341, 323, 302, 504, 506 of IPC against the accused persons. In this case cognizance has been taken for the

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offence u/s 147, 148, 149, 341, 323, 302, 504, 506 of IPC. The post-mortem of the deceased was conducted at PMCH, Patna and the doctor has opined death caused due to head injury. At this stage on section 227 of Cr.P.C the court has only to see whether the accusation constituted offence or not to reach to a conclusion that prima facie case is made out or not.

In the facts and circumstances of the case above it is found that prima facie there is sufficient ground for framing charge against accused/petitioners for the offence u/s 147, 148, 149, 341, 323, 302, 504, 506 of IPC and accordingly charges has to be framed.

Accordingly petition dated 08.08.2025 filed on behalf of accused/petitioners for discharge u/s 227 of Cr.P.C is hereby rejected.

Put up on 02.05.2026 for framing of charge.

(Dictated)

Md. Gheyasuddin
District & Addl. Sessions Judge-II
Vaishali at Hajipur.
17.04.2026