

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No.759 of 2025

Vinod Choudhary @ Vinod Kumar Choudhary @ Binod Choudhary @
Binod Kumar Choudhary, aged about 49 years, son of Shyam Dev
Choudhary, resident of Tantipara Road, Pakur, P.O.-Pakur, P.S.-, Pakur
(T), District- Pakur ... Petitioner
Versus
The State of Jharkhand ... Opp. Party

CORAM: HON’BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Ashim Kr. Sahini, Advocate.
For the State : Mr. Rajesh Kumar, APP

4/15.09.2025 Heard learned counsel appearing for the petitioner and learned
counsel appearing for the State.

2. This revision petition has been preferred against the Order dated
22.03.2025 passed by learned Additional Sessions Judge-I, Pakur in
Misc. Criminal Application No.14 of 2025, arising out Sessions Trial
No: 91 of 2024 Pakur (T) P.S. Case No.211 of 2023 dated 08.11.2023,
whereby the petition filed under Section 227 of the Code of Criminal
Procedure for discharge has been rejected.

3. The case of the prosecution inter alia is that the informant could
come to know that her maternal brother namely Indranil Chatterjee
has surrounded the lands appertaining to Plot No.1839 with the help of
anti-social elements. She reported the mater to police and the police
accordingly stopped the work. Again on 08.11.2023 at about 2:30 PM,
said Indranil Chatterjee, armed with pistol and accompanied by other
accused persons, came to the lands in question and tried to affixing
pillars and on such information, the informant along with her brother
and some of his friends went to the said land and protested and Indrani

Chatterjee and other accused persons started abusing her and Indranil Chatterjee made an attempt to make firing from his pistol. However, the informant and her brother saved themselves, but in the said firing Ram Thakur, Visu Karmkar and Soubhik Thakur got injured and they fell down. Thereafter, Indranil Chatterjee along with his friends fled away. The occurrence was witnessed by the neighbouring persons. The injured persons were admitted in Sadar Hospital, Pakur and the said hospital referred them and they were brought to O Two hospital, Dakbangla Dhuliya. Accordingly, First Information Report was registered under Sections 341, 323, 504, 506,290,307,326,509 and 34 of the Indian Penal Code and also under Sections 25(1-b), a, 27 and 35 of the Arms Act.

4. Learned counsel appearing for the petitioner submits charge-sheet has been submitted against the petitioner under Sections 341, 323, 504, 506,290,307,326,509 and 34 of the Indian Penal Code and also under Sections 25(1-b), a, 27 and 35 of the Arms Act. The case was committed to the Court of Sessions on 24.07.2024 and it was registered as Sessions Trial No.91 of 2024 and the learned Court was pleased to take cognizance on 30.11.2024 and on these backgrounds, the petitioner filed an application for discharge under Section 227 of the Cr.P.C, which was rejected by the impugned order. He further submits that the learned Court has not appreciated the case of the petitioner under Section 227 of the Cr.PC. in right perspective.

5. He further submits that the allegation of firing is there against Indranil Chatterjee and the said Indranil Chatterjee has preferred

Cr. Revision No.502 of 2024, which is pending before this Court. In view of that he submits that allegation is not made against the petitioner and as such, the learned Court has wrongly rejected the discharge petition and on these grounds, he submits that the impugned order may kindly be set-aside.

6. Learned counsel appearing for the State opposed the prayer and submits that the learned Court has rightly passed the impugned order finding *prima facie* case against the petitioner and he submits if a *prima facie* case is made out for framing of charge, the learned Court is competent to frame the charge and in view of that, he submits that the learned Court has rightly passed the impugned order.

7. In view of the submissions of the learned counsel for the parties, it transpires that the charge-sheet has been submitted against four persons including this petitioner. In the FIR, it has been alleged that in a Scorpio Car, four persons have come including this petitioner and they were armed with weapons and other things. There is direct allegation against the petitioner including one Indranil Chatterjee of using unparliamentary words and of firing. The only ground has been argued before this Court that said Indranil Chatterjee is responsible for firing and in view of that, particular sections are not applicable to the petitioner. The charge-sheet has been submitted under the aforesaid sections. The learned Court considering all the aspects has been pleased to reject the petition for discharge. The argument of the learned counsel for the petitioner can be a subject matter of trial only as *prima facie* case is made out against the petitioner and it is well

settled for discharge, the learned Court is not required to roam to find out prima facie case is made out or not, if the allegation is there and probability of trial is there, the learned Court is competent to frame the charge. In view of the above there is no illegality in the impugned order.

8. As such, this petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

15.09.2025
R.Kumar