

**Sheonandan Ram and ors. Vs. the State of Bihar and anr.**

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**Court :** Patna

**Decided On :** May-12-2012

**Appellant :** Sheonandan Ram and ors.

**Respondent :** The State of Bihar and anr.

**Judgement :**

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous  
No.12099 o

1. Sheonandan Ram, Son of Late Bhola Ram.

2. Ramashish Ram, Son of Late Bhola Ram.

3. Sri Mahendra Sharma, S/o Late Bhagwan Sharma. All are resident of Village Ghoghi, Police Station Piribazar (Suryagarha), District Lakhisarai. -----  
Petitioners Versus 1. The State Of Bihar.

2. Jai Ram Singh, Son of Satan Singh, Resident of Village Ghoghi, P.S. Piribazar (Suryagarha), District Lakhisarai. ----- Opposite Parties -----

12. 01.2012 Heard Sri Shakil Ahmad Khan, learned senior counsel for the petitioner who was assisted by Sri Pankaj Kumar Sinha and Sri Mrityunjay Kumar, learned Additional Public Prosecutor. The petition has been filed for quashing of the order dated 30.03.2011 passed by learned District & Sessions Judge, Munger in Sessions Trial No. 508 of 2010 arising out of Pribazar (Suryagarha ) P.S. Case No. 300 of 2008, which was registered for the offence under Section 302/34 of the

Indian Penal Code. By the said order learned District & Sessions Judge has rejected the petition filed under Section 227 of the Cr.P.C. for discharge of the petitioners. It was submitted by Sri Khan, learned senior counsel that though the petitioners were named in the F.I.R. but final form was submitted in respect of these three petitioners and only one accused was forwarded for trial. Learned Magistrate differing with the police report has taken cognizance of offences against the petitioners also. It was submitted that in this case there were case and counter case. Sri Khan has further argued that from the material 2 available on record it is evident that it was not a case for the offence under Section 302 but hardly it can be a case either under Section 302 Part II or Section 325 of the Indian Penal Code and on this ground it has been prayed for setting aside the impugned order. On perusal of the materials available on record it is evident that against the order of cognizance one of the petitioners i.e. the petitioner no. 3, had approached this court by filing Cr. Misc. 9805 of 2010 which stood dismissed on 03.12.2010, and thereafter, at the stage of charge, petition for discharge was filed which has been rejected by the learned court below by assigning a detailed reason, though at the time of rejection of discharge petition there was no requirement for assigning any reason. The plea which has been taken by Sri Khan, learned senior counsel can not be examined at the time of hearing of the present petition. Those materials can be examined during the trial. I do not find any merit in the petition. The petition stands dismissed. ( Rakesh Kumar, J.) Praful

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