

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10802 of 2013

Arising Out of PS.Case No. -47 Year- 2008 Thana -DARAUNDHA District- -

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1. Mantu Kumar Tiwary Son of Ramayan Tiwary (Informant) Resident of Village- Korari Khurd, P.S- Dharmundha, District- Siwan.

.... Petitioner.

Versus

1. The State of Bihar.
2. Santosh Tiwary Son of Late Mundrika Tiwary Resident Of Village- Kurorkhut, P.S- Dharaundha, District- Siwan.
3. Anil Tiwary Son of Late Mundrika Tiwary Resident Of Village- Kurorkhut, P.S- Dharaundha, District- Siwan.
4. Chun Chun Sharma Son of Sahu Saran Sharma Resident Of Village- Dhokraha, P.S- Majhawalia, District- West Champaran, At Present Korari Kunt, P.S- Dharaudha, District- Siwan.
5. Vikash Sharam @ Viki Sharma S/O Resident of Village- Dhokraha, P.S- Majhawalia, District- Bettiah West Champaran, At Present Korari Kunt, P.S- Dharaudha, District- Siwan.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 19-05-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This is an application for quashing the order dated 02.01.2013 and 04.01.2013 passed by the learned court of Fast Tract Court- 1st, Siwan in Sessions Trial No. 174 of 2010.

Learned counsel for the petitioner submits that charge has been framed under Sections 341/34, 323, 324 and 504 of the Indian Penal Code, though, allegation under Section 307 I.P.C.

However, from the impugned order itself, it appears that

petitioner has not raise such issue before the trial court. However the charge can be amended at any stage if the evidence adduce to the effect attracting Section 307 I.P.C., the petitioner may raise the issue at appropriate stage.

With the above observation, the petition is disposed of.

(Gopal Prasad, J)

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