

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23020 of 2016

Arising Out of PS.Case No. -301 Year- 2013 Thana -ARA NAWADA District- BHOJPUR

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1. Manoj Kumar Pandey @ Pappu Pandey
 2. Dipak Kumar
 3. Pintu Kumar All sons of Sri Raghunath Pandey residents of Mohalla Pakari Chowk, Singh Colony, Police Station Ara Nawada, in the district of Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Ramjee Giri, Son of Late Sri Radha Krishna Giri, resident of village Ekrashi, Police Station Bagen Gola in the district of Buxar Presently residing as a tenant in a house situated opposite to Bajaj Showroom, belonging to Sri Niranjana Singh within Ara Nawada Police Station, in the district of Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma-Advocate

For the Opposite Party/s : Mr. Dinesh Singh-(A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 15-09-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor.

2. Petitioners are aggrieved by an order dated 08.02.2016 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada P. S. Case no.301 of 2013 whereby and whereunder the learned Magistrate took cognizance of an offence punishable under Sections 448, 341, 323, 354, 504 of the I.P.C. and further, summoned the petitioners to face trial.

3. Insistence having at the end of the learned counsel for the petitioners with regard to applicability of particular

Sections whereunder cognizance has been taken. The appropriate stage for identifying applicability of particular penal offence against the accused in consonance with the allegation is at the stage of framing of charge. At that very moment, petitioners will have an opportunity to say whether the particular offence whereunder charge is going to be framed in the background of order of cognizance, is applicable or not. Whenever such prayer is made at such stage, the learned lower Court will appreciate the same in accordance with law.

4. With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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