

Arising Out of PS.Case No. -145 Year- 2014 Thana -BAIRIYA District-  
WESTCHAMPARAN(BETTIAH)

.... .... Petitioner/s

1. The State of Bihar.
2. Sipahi Gaddi, S/o Late Algu Gaddi.
3. Aslam Gaddi
4. Aas Mohammad Gaddi Sons of Sipahi Gaddi All resident of Village-  
Motipur, P.S- Bairiya, District- West Champaran.

.... .... Opposite Party/s

For the Petitioner/s : Mr. Aditya Nath Jha--Advocate  
For the Opposite Party/s : Mr. U.S.P.Singh (A.P.P.)

02 29-07-2016 Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor.

Petitioner is the informant. The main grievance as has been perceived after hearing submission made on behalf of the petitioner is that the charge should have been framed under Section 302 I.P.C. instead of Section 304 I.P.C.

Mere observing at the present stage that a case under Section 304/34 of the I.P.C. is made out, is not going to blur the fate of the prosecution. Section 216 of the Cr.P.C. is there to rescue, in case prosecution succeeds in substantiating the allegation which, the Court will consider at an appropriate stage, if so prayed.

With the aforesaid observation, instant petition is disposed of.

**(Aditya Kumar Trivedi, J)**

Vikash/-

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