

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19051 of 2014

Arising Out of PS.Case No. -298 Year- 2004 Thana -PAROO District- MUZAFFARPUR

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1. Santosh Kumar @ Santosh @ Basant S/o Sri Babu Lal Sah Resident of Village Jafarpur, P.S. Paroo, District Muzzafarpur.
2. Ram Babu Sah S/o Shri Jaimuni Sah
3. Sunil Sah S/o Shri Amir Lal Sah Both are resident of Village Daudpur, P.S. Paroo, District Muzzafarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jaishankar Kumar S/o Shri Bachcha Prasad Resident of Village Banbar, P.S. Daudpur, District Chhapra (Saran).

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate
For the State : Mr. Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 25-08-2017 Heard learned counsel for the petitioners and the learned counsel for the State.

Learned counsel for the petitioners seeks quashing of the cognizance order dated 17.11.2012 passed by S.D.J.M., West, Muzaffarpur in Paroo P.S. Case No.298 of 2004 whereby he has taken cognizance under Sections 323, 341, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioners raises sole point for consideration that the supplementary charge sheet has not been submitted against the accused persons under Section 307 of I.P.C. rather the police has submitted charge sheet under Sections 323,



341, 307, 379 and 504/34 of the I.P.C. but the cognizance for the offence under Section 307 of I.P.C. has also been taken in the case. A supplementary charge sheet was submitted against the accused persons and one accused against whom charge sheet was submitted earlier has been acquitted after trial as no witness was produced by the prosecution.

Having considered the submissions of both sides, this Court disposes of this application with liberty to the petitioners for raising this point that no offence under Section 307 of I.P.C. is made out at the appropriate stage before trial court.

With this observation, this application stands disposed of.

(Arun Kumar, J)

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