

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52128 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -CHOUTARWA District- WESTCHAMPARAN
(BETTIAH)

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Ahmad Khan Son of Jagarnath Khan resident of village - Kolhuwa Chauterwa, P.S.
Chautarwa and District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Qamruddin Ansari
3. Alamgir Ansari
4. Kitabuddin Ansari All sons of Nasur Ansari
5. Nasur Ansari son of Khalil Ansari
6. Asir Ahmad son of Qamruddin Ansari all residents of village - Kolhuwa
Chautarwa, P.S. - Chautarwa and District - West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Md. Abu Haidar, Advocate

For the State : Mr. Pramod Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-11-2017

Heard learned counsel for the petitioner as well as learned
counsel for the State.

2. The petitioner, who is informant in Chautarwa P.S.
Case No.38 of 2014, challenges the cognizance order dated
02.05.2014, passed by learned A.C.J.M., Bagha in G.R. No.285 of
2014, T.R. No.2750 of 2014 on the ground that despite the material on
record, cognizance has not been taken under Sections 307, 380 and
324 of the Indian Penal Code.

3. In the said case the police has submitted charge-sheet
under Sections 341, 323 and 504/34 of the Indian Penal Code only. At
this stage, there is no material shown by the petitioner that how a



prima facie case under Sections 307 and 380 of the Indian Penal Code is made, even no injury report has been placed on record, so there is no material to interfere with the cognizance order. The alteration or addition of charge may be done later on subject to evidence at the trial stage.

4. Accordingly, the quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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