

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27860 of 2013

Arising Out of PS.Case No. -86 Year- 2009 Thana -ARA NAWADA District- BHOJPUR

- =====
1. Laxmi Kant Sahay S/o Late Yadu Nandan Sahay, resident of mohalla-Maula Bagh, Behind Reshala, P.S.-Arrah Nawada, District-Bhojpur.
 2. Rakesh Kumar S/o Laxmi Kant Sahay, resident of mohalla-Maula Bagh, Behind Reshala, P.S.- Arrah Nawada, District- Bhojpur.
 3. Pratima Sinha W/o Rakesh Kumar, resident of mohalla-Maula Bagh, Behind Reshala, P.S.- Arrah Nawada, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s Md. Ataul Haque and Manish Kumar, Advocates
For the Opposite Party/s: Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 11-09-2017

1. Heard both sides and perused the record.
2. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 13th May 2013 passed by the learned *Ad hoc* Additional Sessions Judge-V, Ara in Sessions Trial No. 430 of 2011 whereby and whereunder the learned Court below refused to discharge the petitioners from the charges under sections 341, 324, 308 and 504/34 of the Indian Penal Code.
3. The petitioners are named in the FIR with specific allegation that they, on 22nd March 2009, assaulted the informant by



means of *Tangi* on his head and left knee causing injury to him.

4. The contention of the petitioners that the injuries were found simple in nature and no offence under section 308 and 324 of the Indian Penal Code is made out, which cannot be taken into consideration at the time of framing of charge.

5. The learned Court below, at the time of framing of charge, is only required to consider as to whether the accused had intention to commit offence or not. The injuries are not material for framing of charge. The learned Court below has rightly refused to discharge the petitioners from the offence in question.

6. In view of the facts and circumstances of the case, this Court does not find any merit in this criminal miscellaneous application and the same is accordingly, dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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