

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49265 of 2012

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Laxman Prasad Mehta, (Sant Jee) Laxman Mehta, S/O Late Newalal Mehta
Resident of Village- Sadanandpur Panchayat- Jhiliya Dumaro, P.S- Bhaptiyahi,
District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar
2. Raghunath Mukhiya @ Ramji Mukhiya, resident of village- Sadanandpur,
Panchayat- Jhilla Dumaria, P.S.- Bhaptiyahi, District- Supaul
3. Ghuran Mukhia, son of Bihari Mukhia, resident of village- Sadanandpur,
Panchayat- Jhilladumaria, P.S.- Bhaptiyahi, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 02-01-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner, who happens to be the informant of
Bhaptiyahi P.S.Case No. 51 of 2011, seeks addition of Section 364 of
Indian Penal Code (in short 'I.P.C.') in the order taking cognizance
dated 28.08.2012 passed by the learned Chief Judicial Magistrate,
Supaul in Bhaptiyahi P.S.Case No. 51 of 2011.

3. Learned counsel for the petitioner concedes that after
framing of charge prosecution witnesses are being examined.

4. It appears that police, after investigating the case,
submitted charge sheet only under Sections 406, 420 and 34 of I.P.C,



not finding the case true under Section 364 of I.P.C. No relevant ground was submitted before the court showing evidence collected during investigation indicating *prima facie* case being made out under Section 364 of I.P.C. The case is at the stage of trial as prosecution witnesses are being examined as submitted by the learned counsel for petitioner. The addition of charge under Section 216 Cr.P.C. can be taken up if relevant evidence comes during trial. In the present application, at this stage there is no merit, so it stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

