

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46614 of 2018

Arising Out of PS.Case No. -165 Year- 2013 Thana -KATIHAR District- KATIHAR

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1. Yog Narayan Jha, S/o Late Shila Nath Jha,
2. Mira Devi @ Anmol Devi @ Hira Devi W/o Yog Narayan Jha,
3. Pranay Kumar Jha @ Pranay Jha S/o Yog Narayan Jha, All
R/o Vill.- Sonpur, Ujan, P.S.- Sakalpur, District- Darbhanga.

.... Petitioners

Versus

1. The State of Bihar.
2. Vina Devi @ Vina Kumari W/o Late Krishan Kant Mishra,
R/o Vill.- Bhushkaul, P.S.- Sadar, District- Darbhanga.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-09-2018

The petitioners are aggrieved by the order dated 23.06.2018 passed by learned Additional Sessions Judge 2nd, Katihar in connection with Katihar P.S. Case No. 165/2013, corresponding to Sessions Trial No. 265 of 2014 registered for the offences under Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in fact the learned trial court could not appreciate that the in the post mortem report of the deceased no sign of any external or internal injuries could be found. Learned counsel submits that it is a case of no evidence.

However, learned counsel representing the State submits that in the impugned order itself the learned Additional Sessions Judge - 2nd, Kaihar has taken note of



the various paragraphs of the case diary wherein there are materials to support the allegations against the petitioners. Learned counsel further submits that at this stage the court is not required to find out whether the materials available on the record would ultimately result in conviction of the petitioners or not.

Having heard learned counsel for the parties and on perusal of the record this court find that in the impugned order the learned Additional Sessions Judge - 2nd, Katihar has held that there are materials available on the record to frame charges against the petitioners. The death, in the present case, has taken place within 13 months of the marriage, and in these conditions where the trial court has found materials to frame the charge, this court does not find any reason to re-appreciate the materials to take a different view.

The impugned order does not suffer from any infirmity. This application has no merit, it is dismissed.

(Rajeev Ranjan Prasad, J.)

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