

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26494 of 2018

Arising Out of PS.Case No. -205 Year- 2014 Thana -DARBHANGA District- DARBHANGA

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1. Chandra Shekhar Mahto, Son of Janak Mahto.
2. Poonam Devi, Wife of Chandra Shekhar Mahto.
3. Kiran Kumari, Daughter of Chandra Shekhar Mahto.
All are residents of Mohalla - Sakmapul, Mirzapur, P.S. - Town, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi, Wife of Late Chandradev Mahto, Resident of Mohalla - Lalbagh, P.S. - Town, District - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar
For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2018 Heard learned counsel for the petitioners. No one appears for the State.

Petitioners in the present case are seeking quashing of the order dated 25.04.2017 passed by the learned Additional District Judge IVth, Darbhanga, in Sessions Trial No. 346 of 2016. By the impugned order, the learned trial Court has found sufficient materials to proceed against the petitioners to frame charges under Sections 448, 341, 323, 324, 379, 307 and 504/3 of the Indian Penal Code.

Learned counsel for the petitioners submits that from perusal of Annexure 2 to the present application, it will appear



with regard to the alleged occurrence that there is second version by one Kiran Kumari who is petitioner no.3 in the present case. It is submitted that petitioner no. 3 had made statement in an injured condition in course of treatment in the hospital. It is further submitted that even though, there are allegations against the petitioners but, no prima facie case for the purposes of framing of charge under Section 307 and under various provisions of the Indian Penal Code are made out and, therefore, the learned Trial Court has rejected the application of the petitioners without applying itself to the materials available on the record.

On perusal of the materials available on record, it is found that the petitioners had earlier moved this Court vide Cr. Misc. No. 42839 of 2016 seeking quashing of the order of the cognizance, however, the said application was withdrawn by the petitioners vide order dated 25.01.2018. The impugned order passed by the learned trial Court shows that the learned trial Court has found that there are injury reports with respect to the informant as well as her son and based on the materials which are available in the case diary, it has been held that there are sufficient materials to frame charges against these petitioners in the given case.

At this Stage, this Court does not find any reason to



interfere with the impugned order, however, to this extent, that in course of trial, if the materials do not come to support the charge under Section 307 of the I.P.C., the petitioners will be at liberty, if so desire, to file an appropriate application for alteration or modification of the charge.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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