

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43661 of 2016

Arising Out of PS. Case No.-225 Year-2015 Thana- KARAHGAR District- Rohtas

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Sant Prasad Rai Son of Late Sudama Rai, resident of Village+P.O.-Gori, At present residing at Basudhara Chhawani, Police Station- Kargahar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madan Singh
3. Nagdeo Singh
4. Munna Singh All Son's are Late Ram Ekwai Singh
5. Rakesh Kumar Singh
6. Bibhu Kumar Singh
7. Rahul Kumar @ Guddu Singh All son's are Madan Singh, all resident of Village P.O.- Gori, Police, Station- Kargahar, District- Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 24-07-2019

Heard learned counsel for the parties.

2. The petitioner is informant of Kargahar (Sirhi)

P.S. Case No.225 of 2015. The petitioner is aggrieved by order dated 08.01.2016 passed in the aforesaid case whereby the learned Court-below took cognizance for other ancillary offences of penal code. However, did not take cognizance under Sections 307 and 427 of the Indian Penal Code. Though the FIR was lodged for the offences under Section 307 and 427 of the



Indian Penal Code also. However, the police after investigation did not submit charge sheet for offences under Sections 307 and 427 of the Indian Penal Code.

3. Submission of the learned counsel for the petitioner is that the offence of attempt to commit murder and mischief are apparently made out which would be evident from the inquiry report available on the record. However, charges have already been framed and the trial is proceeding.

4. Since trial is going on, this Court is not inclined to interfere with the impugned order with liberty to the petitioner to raise the aforesaid issue before the Court-below in the light of provisions under Section 323 Cr.P.C.

5. With the aforesaid observation, this application stands disposed of.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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