

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.104 of 2018

Arising Out of PS. Case No.-173 Year-2015 Thana- MINAPUR District- Muzaffarpur

Umashankar Sahni Son of late Ganga Sahni, Resident of Village Madhuban Kanti, P.S. Minapur District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Prabhakar Kumar Yadav, Son of Ramchandra Prasad Yadav, resident of Village Madhuban Kanti P.S. Minapur, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv
For the Respondent/s : Mr.Sri Satyadev Prasad Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-05-2019

Heard learned counsel for the parties.

2. This criminal revision is against order dated 19.09.2017 passed in Minapur P.S.Case No.173 of 2015, whereby the learned Chief Judicial Magistrate, Muzaffarpur has taken cognizance under Sections 302/34 and 120B I.P.C. against the petitioner also.

3. Grievance of the petitioner is that after investigation, police did not send up the petitioner for trail because a different story of the occurrence came up before the police through statement of some witnesses mentioned in paragraph-8 to 10 of the case diary. He further submits that besides informant, no other witness has named this petitioner before the police.



4. The informant of the case, Mr. Prabhakar Kumar Yadav is cousin brother of deceased-Pintu Kumar. The informant saw that three person came on a motorcycle and asked in abusive language to Pintu Kumar (deceased) as to why he had not mend their vehicle. Soon they started assault against him and on the order of this petitioner, co-accused-Pappu Sahni, son of this petitioner fired from his pistol, causing injury and death of Pintu Kumar. Witness-Bindeshwar Prasad, the father of the deceased has also supported the allegation vide paragraph-7 of the case diary that on the order of this petitioner, co-accused-Pappu Sahni fired at Pintu Kumar which resulted in his death, whereas some other witnesses vide paragraph-8 to 10 of the case diary and paragraph-11 to 23 have stated before the police that a dance programme was going on, on the occasion of a marriage ceremony, and the informant and his friends were firing from their respective firearms. One of the shot of the informant hit the deceased which resulted in his death.

5. Contention of learned counsel for the petitioner is that while issuing summons against the petitioner and taking cognizance, the learned court below has not considered another story of the occurrence disclosed by some witnesses.



6. The law is well settled that at the stage of cognizance, meticulous appreciation of evidence or weighing the reliability of the evidence collected during the investigation is not permissible, only requirement is whether the allegation discloses offence against the petitioner and the same is supported by some evidence. The said requirement is fulfilled here. Hence, I do not find any infirmity with the impugned order.

7. Accordingly, this criminal revision has got no merit and it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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