

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75896 of 2019

Arising Out of PS. Case No.-100 Year-2017 Thana- GHOSI District- Jehanabad

1. PANKAJ SHARMA @ PANKAJ KUMAR Son of Satyendra Sharma Resident of Village- Dehuni, P.S.- Ghoshi, District- Jehanabad.
2. Satyendra Sharma @ Satyendra Singh Son of Late Girija Singh Resident of Village- Dehuni, P.S.- Ghoshi, District- Jehanabad.
3. Nawal Sharma @ Nawal Singh Son of Late Yamuna Singh Resident of Village- Dehuni, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2019 This application has been filed for quashing of order dated 26.8.2019 passed by ACJM Ist, Jehanabad in Ghoshi P.S.Case No.100 of 2017, whereby the learned ACJM has been pleased to take cognizance of the offence under Section 307 of the Indian Penal Code along with Sections 341, 342, 323 & 504/34 of the IPC against the petitioner.

Grounds for quashing is that no case is made out under Section 307 of the IPC in the present case but in spite of that cognizance has been taken under Section 307 of the IPC.

On the other hand the learned counsel for the APP has opposed on the ground that the petitioner has opportunity to



raise this point at the time of framing of the charge, as such there is no merit in this application.

In view of the above circumstances, as the petitioner has opportunity to raise this point at the time of framing of the charge, this application is dismissed with liberty to the petitioner to raise this point at the time of framing of the charge, which will be considered by the learned trial court and will be disposed of by a reasoned order.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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