

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76667 of 2019

Arising Out of PS. Case No.-608 Year-2015 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Pramod Kumar @ Pramod Kumar Mahto Son of Madan Mahto Resident of
Mohalla-Sikandarpur Town, P.S.-Muzaffarpur Town, District-Muzaffarpur.
... .. Petitioner

Versus

1. The State Of Bihar
2. Md. Wasim Son of Md. Arif Resident of Mohalla-Pankaj Market, Shankar
Bag Lane, P.S.-Town, District-Muzaffarpur.
... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2019 Heard learned Counsel for the petitioner, learned APP
for the State as well as learned Counsel for the informant.

Petitioner's Counsel submits that having regard to the
detailed investigation conducted by the police the final form
was submitted and accepted by the court. The specific
allegations are to be found only against co-accused Suraj Kumar
and Dina Nath Mahto. The postmortem report also suggests
only two gun shot injuries. In the circumstances, cognizance
taken by the court below is not sustainable.

Learned Counsel for the informant and the learned
APP for the State have submitted that the Court at the stage of
cognizance is only required to examine whether ingredients of
the offences are prima facie made out or not. The Court below has



referred to and examined the specific paragraphs of the case diary. The exercise undertaken by the court below is sufficient compliance of the provisions contained in the Cr.P.C. Whether the petitioner has any role to play in the occurrence and whether the statement of the persons recorded in the case diary is sufficient to absolve him from criminal liability are issues which are to be examined by the trial court during trial.

Considering the aforesaid submissions, this Court is of the opinion that the submissions advanced by the Counsel for the petitioner are issues based on fact and the findings in the investigation which are to be examined by the trial court during course of trial. The petitioner however would be at liberty to raise all the issues at the appropriate stage in accordance with law.

The application is dismissed.

(Madhuresh Prasad, J)

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