

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83690 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- MAHESHKHUNT District- Khagaria

MD. ZIYAUDDIN KHAN Son of Late Batto Khan Resident of Village -
Salim Nagar, P.S.- Maheshkhut, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-12-2019 This application has been filed by the petitioner, who happens to be informant in Mahesh Khut P.S.Case No.104 of 2018 against order dated 29.11.2018 passed by Smt. Ankita Jayasawal, J.M. Ist class, Khagaria in connection with G.R.No.2147 of 2018 arising out of Mahesh Khut P.S.Case No.104 of 2018, by which the learned Magistrate has taken cognizance under Section 323, 341, 504, 506, 325, 308 and 435/34 of the IPC and not under Section 307 of the Indian Penal Code.

Submission of the learned counsel for the petitioner is that the FIR and the materials available in the case diary shows a *prima facie* case under Section 307 of the IPC but the same has not been considered by the learned Judicial Magistrate and no cognizance was taken for the offence under Section 307 of



the IPC.

However, the learned counsel for the petitioner after some argument seeks permission to withdraw this application to raise this point at the appropriate stage or at the time of framing of the charge .

In view of the above, this application is disposed of with liberty to the petitioner to raise this point at the time of framing of the charge or at any appropriate stage.

(Vinod Kumar Sinha, J)

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