

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45292 of 2016

Arising Out of PS. Case No.-366 Year-2015 Thana- JOGAPATTI District- West Champaran

1. Jamadar Choudhary Son of Late Lakhan Choudhary
2. Dharmendra Choudhary
3. Sugriv Choudhary @ Sugrim Choudhary
Both sons of Jamadar Choudhary All Residents of Village Bharatha Patti,
P.S. Yogapatti, Nawalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-01-2020

Heard learned counsel for the parties.

2. Petitioners are accused in connection with Yogapatti (Nawalpur) P.S. Case No.366 of 2015. They have challenged the order of cognizance dated 01.07.2016 passed by the learned Additional Chief Judicial Magistrate-II, Bettiah, West Champaran, whereby cognizance has been taken under Section 147/149/302 of the Indian Penal Code on the basis of police report submitted under Section 173 Cr.P.C.

3. According to FIR, all the FIR named accused persons, eight in number, including the petitioners assaulted to the father of the informant, as a result whereof father of the



informant died.

4. Challenge is on the ground that the informant had not stated the manner of occurrence. He has not stated that what weapon was used for assault by which accused. The viscera report has not been received in the case. The post mortem report reveals that the doctor found that the cause of death was hemorrhage caused by hard and blunt substance.

5. The law is well settled that meticulous appreciation of evidence is not permissible at this stage. The informant claims to be an eyewitness of the occurrence. Whether informant is reliable or not or whether his statement find corroboration from medical evidence or not is a matter of trial. Hence, this application has no merit. Accordingly, it is dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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