

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11746 of 2021

Arising Out of PS. Case No.-94 Year-2018 Thana- SANDESH District- Bhojpur

-
1. SANJAY SINGH Son of Ram Nivas Singh Resident of Village - Tirthkaul, P.S.- Sandesh, Distt - Bhojpur.
 2. Manjay Singh @ Manjay Kumar Singh Son of Ram Niwas Singh Resident of Village - Tirthkaul, P.S.- Sandesh, Distt - Bhojpur.
 3. Sitapati Devi @ Sita Sundar Devi Wife of Ram Niwas Singh @ Tunmun Singh Resident of Village - Tirthkaul, P.S.- Sandesh, Distt - Bhojpur.
 4. Lovely Devi Wife of Arvind Kumar Singh Resident of Village - Tirthkaul, P.S.- Sandesh, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Balram Singh Son of Vishun Dev Singh Retired Professor, R/o Village - Tirthkaul, P.S.- Sandesh, Distt - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the O.P. No.2	:	Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-06-2022 Heard learned counsel for the petitioners, learned counsel for the Opposite Party No.2 and learned APP for the State.

The present application has been filed for quashing of the impugned order dated 06.01.2020 passed by the learned XIth Additional District & Sessions Judge, Bhojpur, Ara in Sessions Trial No.313 of 2019 arising out of Sandesh P.S. Case No. 94 of 2018 whereby and whereunder the petition dated 12.12.2019 filed under Sections 228(1)(a) of the Cr.P.C. has been rejected with a direction to frame the charge against all the accused persons.

The prosecution case in nutshell is that on 16.07.2018,



all the accused persons armed with *lathi* and *danda* assaulted upon the brother (Parshuram Singh) of the informant due to which he sustained injury on his head and the informant also sustained injury on his right and left hands and the right knee.

It is submitted by learned counsel for the petitioners that the offence under Section 307 of the Indian Penal Code is not attracted in this case because the injuries inflicted upon the person of the injured, namely, Parshuram Singh has been defined to be simple in nature by the doctor and there is no repeated blow.

On the contrary, learned counsel for the informant submitted that there are two persons, who sustained injuries as alleged according to the prosecution case- (1) the informant, namely, Balram Singh and (2) Parshuram Singh who is the brother of the informant. It is further submitted that the injury report vide Annexure-4 annexed with the petition shows that the injury sustained by injured Parshuram Singh is on the left parietal region of scalp of head, as such, *prima facie* the case is made out as there are sufficient materials for framing of charge under Section 307 of the IPC available on the record.

Learned counsel for the informant further submitted that the charges under Section 307 and other relevant Sections



of the Indian Penal Code have been framed, there is no need to dispose of the application on merit. Hence, the instant application has become infructuous.

At this juncture, learned counsel for the petitioners has not controverted the submission made by the learned counsel for the informant that the charges have been framed.

After having gone through the material on record and considering the submissions made by learned counsel of the respective parties and the fact that the charges have been framed earlier, this Court finds that there is no need to dispose of the present application on merit. The same is accordingly, dismissed.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U			
---	--	--	--

