

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18475 of 2020

Arising Out of PS. Case No.-32 Year-2017 Thana- MAHESI District- East Champaran

1. Mukesh Rai @ Mukesh Kumar Rai Son of Dinanath Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.
2. Naresh Rai Son of Dinanath Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.
3. Mukesh @ Ramesh Rai Son of Mahendra Rai Resident of Village- Bhimalpur. P.S.-Mehsi Distt.-East champaran
4. Jitendra Rai Son of Radha Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.
5. Mohan Rai Son of Radha Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.
6. Ram Babu Rai Son of Jagdish Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.
7. Umesh Rai Son of Late Vishwanath Rai Resident of Village- Kataha, P.S.- Mehasi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-04-2022 The petitioners had filed an application under Section 228(i)(a) of the Cr.P.C. before the court below for deleting Section 307 of the I.P.C. as from the facts on record, no offence under Section 307 of the I.P.C. can be said to have been made out.

A perusal of the F.I.R. indicates that all the accused persons assaulted the informant as a result of which he got



injured in his head. The informant was also dragged on the floor after he was injured. He was also divested of his personal belongings.

At this stage, it would be difficult to adjudicate whether the offence under Section 307 I.P.C. has been made out or not. The informant has received four injuries, all of which are on the upper part of his body. Apart from this, injuries or its nature would not be the only ground for determining whether the offence under Section 307 I.P.C. is made out or not.

I do not find any fault with the order rejecting the application under Section 228(i)(a) of the Cr.P.C.

For the reasons aforesaid, this application is dismissed.

(Ashutosh Kumar, J)

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