

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10740 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- KHUTAUNA District- Madhubani

Rup Narayan Yadav, son of Jasodhar Yadav @ Yasodhar Yadav, Resident of
Village- Dhanuki, P.S. Lalmaniya, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2022 Heard Mr. Gagan Deo Yadav, learned counsel for

the petitioner and Md. Fahimuddin, learned A.P.P. for the

State.

Perusal of the impugned order shows that the
learned Magistrate has found a *prima-facie* case under
Section 302/34 of the Indian Penal Code after going
through various paragraphs of the case diary. This is not the
stage where this Court is supposed to decide as to whether
the *prima-facie* opinion of the learned Magistrate based on
those materials on the record is correct or not. The degree of
satisfaction required at this stage on the part of the learned
Magistrate is satisfied from his order itself.

This Court while not interfering with the



impugned order grants liberty to the petitioner to raise all such issues which are available to him at the time of framing of charge.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

