

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5684 of 2022

Arising Out of PS. Case No.-214 Year-2019 Thana- BAISI District- Purnia

SURYA NAND SAH Son of Sant Lal Sah Resident of Village - Channi,
Police Station - Baisi, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Phul Chand Sah Son of Late Lakhan Sah Resident of Village - Chalini,
Police Station - Baisi, District - Purnea.
3. Amar Sah Son of Late Lakhan Sah Resident of Village - Chalini, Police
Station - Baisi, District - Purnea.
4. Nemal Sah Son of Late Lakhan Sah Resident of Village - Chalini, Police
Station - Baisi, District - Purnea.
5. Mukesh Sah Son of Late Lakhan Sah Resident of Village - Chalini, Police
Station - Baisi, District - Purnea.
6. Bharti Devi Wife of Late Lakhan Sah Resident of Village - Chalini, Police
Station - Baisi, District - Purnea.
7. Shanti Devi Wife of Nemal Sah Resident of Village - Chalini, Police Station
- Baisi, District - Purnea.
8. Sandhya Devi wife of Amar Sah Resident of Village - Chalini, Police Station
- Baisi, District - Purnea.
9. Usha Devi wife of Puran Sah Resident of Village - Chalini, Police Station -
Baisi, District - Purnea.
10. Chotu Sah Son of Bharan Sah Resident of Village - Chalini, Police Station -
Baisi, District - Purnea.
11. Birja Sah Son of Ghasku Sah Resident of Village - Chalini, Police Station -
Baisi, District - Purnea.
12. Fakir Sah Son of Bistu Sah Resident of Village - Chalini, Police Station -
Baisi, District - Purnea.
13. Sammi Sah Son of Sukhan Sah Resident of Village - Chalini, Police Station
- Baisi, District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 12-07-2023

Heard the parties.



This application has been filed for quashing the order dated 23.11.2020 and the order dated 05.04.2021 passed by learned Sessions Judge, Purnea in connection with Baisi P.S. Case No. 317 of 2019.

The petitioner in the present case is the informant of Baisi P.S. Case No. 317 of 2019.

Learned counsel for the petitioner submits that the trial Court has committed error in not taking cognizance under Section 307 of the Indian Penal Code, though, charge-sheet has been submitted under Section 307 of the Indian Penal Code.

In the opinion of this Court, this issue can be raised by the petitioner at an appropriate stage for alteration of charge.

If such an application is filed for alteration of charge, the Court below will examine the same as to whether offence under Section 307 is made out or not and pass appropriate orders in accordance with law.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

