

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9942 of 2023

Arising Out of PS. Case No.-389 Year-2018 Thana- BHORE District- Gopalganj

ASHUTOSH @ ASHUTOSH KUMAR @ TIPU SINGH @ ASHOTOSH
SINGH Son of Badri Narayan Singh Resident of Village- Bhore, P.S.- Bhore,
District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pankaj Tiwari Son of Brij Bihari Tiwari Resident of Village- Khajurahan
Mishra, P.S.- Bhore, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Usha Rai
For the Opposite Party/s	:	Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-06-2023 Heard learned Senior Counsel for the petitioner and
learned APP appearing on behalf of the State.

The submission of the learned Senior Counsel for the
petitioner is that no offence under Section 307 of the Indian
Penal Code is made out.

At the stage of the cognizance, this Court will not
examine the facts and the injuries. The petitioner has a legal
right to raise all the grounds at the stage of framing of charge.

If such an application is filed at the stage of framing
of charge that no offence under Section 307 of the Indian Penal
Code is made out against the petitioner, the same shall be
considered by the trial Court in the light of the law laid down by



the Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar reported in (2022) 9 SCC 577.*

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

(Sandeep Kumar, J)

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