

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17692 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- CHACKMEHSI District- Samastipur

SUDAMA KUMARI W/o Sri Arvind Kumar Poddar R/o Village- Kharik Bazar (Ward no. 4, Yadav Tola), P.O. and P.S.- Kharik Bazar, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Hare Krishna Kumar @ OM S/o Shambhu Poddar R/o Village- Saidpur (Baraiwa Tola), P.S.- Chakmehsi, Distt- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sadanand Prasad Deo
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-08-2023 Heard the parties.

2. This application has been filed for quashing the order dated 26.05.2022 passed by learned Additional and Sessions Judge, Samastipur in B.P. NO. 524 of 2022.

3. It has been submitted by the learned counsel for the petitioner that this case was initially registered under Section 304-B but charge-sheet has been submitted under Section 306, though, materials have come during investigation which give support that case under Section 304-B is made out.

4. Considering the materials available on record, this Court is not inclined to interfere in the order granting regular bail to the O.P. No. 02 who has already remained in custody for some time.



5. At this stage, this Court will only observe that if an application is filed by the informant in the trial Court at the stage of framing of charge that charge should be framed under Section 304-B or an alternative charge should be framed under Section 304-B along with charge under Section 306 then the same shall be considered by the trial Court in accordance with law and an appropriate order should be passed in view of the law laid down by the Hon'ble Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar 2022 9 SCC 577*.

6. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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