

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37851 of 2015

Arising Out of PS. Case No.-20 Year-2015 Thana- KHIJARSARAI District- Gaya

Rinku Devi W/o Ravi Ranjan Thakur resident of village - Nomik Telbigha,
P.S. Khijarsarai, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Sanjay Singh Son of Shyam Narayan Singh
3. Raushan Singh Son of Sanjay Singh Sl. No. 2 and 3 residents of village -
Telbigha, P.S. Khijarsarai, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh

For the Opposite Party/s : Mr.Md.Ataur Rahman APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-03-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This application has been filed for quashing of the
order dated 06.04.2012 passed by learned Judicial Magistrate,
1st Class, Gaya in connection with Khijarsarai P.S. Case No. 20
of 2015 by which the learned Magistrate has taken cognizance
against the petitioners for the offences under Section 341, 323,
435, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
Trial Court has committed error in not taking cognizance under
Section 307 and 354 of the Indian Penal Code, since the injury
sustained by the injured is on vital party of the body.



In the opinion of this Court, the petitioner can raise these grounds at the time of framing of charge. If such grounds are raise by the petitioner at the time of framing of charge, the trial Court is duty bound to consider the same and pass appropriate order in accordance with law.

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

(Sandeep Kumar, J)

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