

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22208 of 2023**

Arising Out of PS. Case No.-156 Year-2020 Thana- NARALI KALA KHURD District-  
Aurangabad

- 
1. Shubham Kumar Singh Son Of Manoj Kumar Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar
  2. Ramraj Singh Son Of Late Krit Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar
  3. Anuj Kumar Singh Son Of Ramdeo Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar
  4. Manoj Kumar Singh Son Of Ramdeo Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar
  5. Himanshu Kumar @ Himanshu Kumar Singh Son Of Manoj Kumar Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar
  6. Aayush Kumar Singh Son Of Anuj Kumar Singh Resident Of Village-Pipra, Ps- Nabinagar, Distt- Aurangabad , Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Janam Singh Son Of Late Krit Singh Resident Of Village- Pipra, Ps- Nabinagar, Distt- Aurangabad Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr.Kumari Chandna, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, Advocate

---

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      17-10-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. The petitioners are accused in Nabinagar P.S.  
Case No. 156 of 2020 registered for the offences punishable  
under Sections 341, 323, 324, 308, 504 read with 34 of the  
Indian Penal Code. The FIR was registered against altogether



six persons. The police, however, submitted chargesheet against three of them only and not against these petitioners for the offences punishable under Sections 341, 323, 504 read with 34 of the IPC.

3. These petitioners were not sent up for trial. The learned Chief Judicial Magistrate, while taking cognizance of the offences differing with the police report, summoned all the six accused persons including these petitioners by an order dated 14.10.2020.

4. The petitioners preferred a Criminal Revision before the court of learned Sessions Judge, Aurangabad giving rise to Criminal Revision No. 08 of 2022, assailing the aforesaid order dated 14.10.2020 to the extent the same related to summoning these petitioners also, after differing with the police report. The said revision application has been dismissed by the learned Sessions Judge by an order dated 04.03.2023, which is under challenge in the present application filed under Section 482 of the CrPC.

5. Learned counsel appearing on behalf of the petitioners has submitted that the uncontroverted allegations in the FIR coupled with the medical evidence do not make out even a *prima facie* case against these petitioners for



commission of the offence punishable under Section 308 of the IPC. She submits that the learned court below without duly appreciating the records has rejected the petitioners' revision application.

6. After having considered the submissions advanced on behalf of the petitioners, the Court is of the view that the petitioners, in the facts and circumstances of the case, cannot question the correctness of the order taking cognizance of the offences punishable under Sections 341, 323, 504 read with 34 of the IPC. If, according to the petitioners, they should not be proceeded against for the offence punishable under Section 308 of the IPC, they have remedy at appropriate stage of the proceedings before the court below.

7. The petitioners, by the impugned order of the learned Chief Judicial Magistrate have been summoned. Summoning the petitioners would not mean that they will be charged also of the offence punishable under Section 308 of the IPC, even in the absence of material on record constituting the said offence.

8. In such circumstance, I do not find any reason to interfere with the order passed by the court below. The petitioners shall be at liberty to raise the point which has been



raised in the present application at the time of framing of charge.

9. This application is accordingly dismissed with the liberty as sought.

**(Chakradhari Sharan Singh, J)**

Rajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

