

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21888 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- GARKHA District- Saran

1. DILIP RAI Son of Late Ram Swaroop Rai Resident of village - Ladhpur, P.O.- Gurukul Mehiyan, Police Station - Garkha, District - Saran (Chapra).
2. Chandan Kumar Son of Bachcha Rai Resident of village - Ladhpur, P.O.- Gurukul Mehiyan, Police Station - Garkha, District - Saran (Chapra).
3. Anuj Kumar Son of Dilip Rai Resident of village - Ladhpur, P.O.- Gurukul Mehiyan, Police Station - Garkha, District - Saran (Chapra).
4. Bikram Kumar Son of Arun Rai @ Arun Kumar Ray Resident of village - Ladhpur, P.O.- Gurukul Mehiyan, Police Station - Garkha, District - Saran (Chapra).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-10-2023 The petitioners have put to challenge an order dated 27.09.2022 passed by the learned J.M. Ist Class, Chapra, in Trial No. 3194 of 2022 arising out of Garkha Police Station Case No.206 of 2022, whereby the learned court below has taken cognizance of the offences punishable under Section 341, 323, 324, 325, 504/34 of the IPC.

2. Learned counsel appearing on behalf of the petitioners submits that though no offence under some of the provisions of the IPC is made out against these persons, the court below has taken cognizance of such offence also.



3. In the Court’s opinion, in a proceeding under Section 482 of the CrPC, the stand, which the petitioners have taken, is unavailable for the reason that the trial court has taken cognizance of offence based on the materials available on record. If, according to the petitioners, allegation against them for commission of offences punishable under some of the provisions of the IPC are not made out against them, they shall be at liberty to take such plea at the appropriate stage as may be permissible in accordance with law.

4. This application is dismissed accordingly.

(Chakradhari Sharan Singh, J)

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