

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47081 of 2015

Arising Out of PS. Case No.-75 Year-2013 Thana- CHAPRA MUFFASIL District- Saran

Md. Shamshad Sonof Md. Sarif, resident of village - Sandha Khemaji Tola,
P.S. Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. C. Sen Pd. Singh APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 22-08-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 13.01.2014 passed by Judicial Magistrate, 1st Class, Chapra, Saran in Tr. No. 3690 of 2014 arising out of Chapra Mufassil P.S. Case No. 75 of 2013.

3. The grievance of the petitioner is that offence under Section 307 is made out and the case should be sent to the Sessions Judge Court and not the Court of Magistrate Court and there is some interpolation in the impugned order.

4. I have heard and considered the submission of the petitioner.

5. In view of the aforesaid facts, the petitioner is directed to approach the trial Court and file an application that offence under Section 307 is made out and pray for framing of



charge under Section 307 of the Indian Penal Code and if such an application is filed then the learned Judge will be obliged to hear the petitioner and pass an order in accordance with law and particularly in view of the Judgment of Hon'ble Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar 2022 9 SCC 577*.

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

(Sandeep Kumar, J)

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