

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30522 of 2017

Arising Out of PS. Case No.-20 Year-2015 Thana- DHIBRA District- Aurangabad

1. Pramod Sao Son of Ramchandra Sao,
2. Manju Devi, Wife of Pramod Sao,
3. Binod Sao, Son of Pramod Sao.
4. Manoj Sao, Son of Pramod Sao, All are resident of Village- Banua, P.S. Dhibra, District- Aurangabad.
5. Prem Shila Devi @ Parmila Devi, Wife of Vijay Sao,
6. Vijay Sao, Son of Vishwanath Sao, Both are resident of Village- Atal Bigha Sailwa Rani Kua, P.S. Madanpur, District- Aurangabad.
7. Dharamshila Devi, Wife of Pankaj Sao.
8. Pankaj Sao, Son of Baijnath Sao, Both are resident of Village- Nehuta, P.S.- Aurangabad Muffasil, District- Aurangabad.
9. Sohan Kumar @ Sohan Prasad Gupta, Son of Pradip Sao @ Ashok Sao, Resident of Near Jakhim Station, P.S. Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-10-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The present quashing application has been filed seeking quashing of the order dated 21.02.2017 by the learned Additional Sessions Judge-1st, Aurangabad in Sessions Trial No. 01/2017, arising out of Dhibra P.S. Case No. 20/2015, whereby the learned court below has been pleased to frame charges against the petitioners for offences under sections 147,



148, 149, 341, 448, 323, 307 and 354 of the Indian Penal Code. The learned counsel for the petitioners submits that the petitioners are aggrieved by the fact that charges against them has also been framed under section 307 of the Indian Penal Code, when from the injury report, it would manifest that the injuries are not of such nature which attracts section 307 of the Indian Penal Code.

3. The learned APP Mr. Ravindra Kumar vehemently opposes the quashing application and submits that since charges have been framed, it signifies commencement of the trial and in the event if what has been submitted by the learned counsel for the petitioners is true then based on the evidence which will come during the course of trial the learned Sessions Court is not denuded of its power under section 216 of the Cr.P.C. i.e. the charge can be altered based on evidence which shall come in the trial.

4. Considering the submission made by the learned APP, the Court finds no merit in the quashing application. Accordingly, the same is hereby dismissed.

(Satyavrat Verma, J)

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