

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56846 of 2015

Arising Out of PS. Case No.-74 Year-2007 Thana- KUDHNI District- Muzaffarpur

=====

Mithilesh Singh @ Mithilesh Kumar Singh S/o late Ram Kripal Singh R/o
Village Raghunathpur, P.s Kudhni, district Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suryakket Singh S/o late Janak Singh R/o Village Raghupur, P.s Jurawanpur,
District Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Adv.

For the Opposite Party/s : Mr.Anant Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-03-2023 Heard Mr. Jagnnath Singh, learned counsel for the

petitioner and learned APP for the State.

This is an application for quashing of the order dated
01.10.2015 passed by the learned VIth Additional District and
Sessions Judge, Muzaffarpur in Criminal Revision No. 162 of
2011 dismissing the revision petition affirming the order dated
23.09.2011 passed by learned Sub Divisional Judicial
Magistrate, West Muzaffarpur in Kudhni P.S. Caes No. 74/2007
G.R. Case No. 380/2007 taking cognizance of the offence under
Section 302 of the Indian Penal Code.

The allegation is that the informant alleged that his
daughter was married in the year 1997 with the petitioner herein



and blessed with three children but for want of motorcycle, she was regularly tortured and the allegation is that on 4.3.2007, she was burnt to death.

Although, the police submitted final form, the learned Magistrate took cognizance forcing the petitioner to prefer Cr. Revision No. 162 of 2011.

The same was taken up by the learned 6th Additional Sessions Judge, Muzaffarpur and after recording that a perusal of the case diary, the materials are there and as such, the learned Magistrate rightly took cognizance.

Learned counsel for the petitioner submits that some smaller points which were not taken note of either by the learned Magistrate or the learned Sessions Judge while passing the order in question. He submits that it was found that the husband-petitioner herein had also suffered burn injuries in his hand and leg in trying to save his wife and this fact was narrated by the father of the petitioner before the police in his subsequent statement.

He as such, after some arguments submits that he may be permitted to raise all the points before the Trial Court at an appropriate stage.

Taking into account the facts as also the submissions



put forward by the learned counsel for the petitioner, as stated above, the matter stands disposed of granting liberty to the petitioner to raise all the aforesaid points which shall be considered by the learned Court before passing the order.

Accordingly, the petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

Ajay Singh/-

U		T	
---	--	---	--

