

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.515 of 2019

Arising Out of PS. Case No.-143 Year-2016 Thana- BITHAN District- Samastipur

1. ARVIND KUMAR @ ARVIND YADAV Son of Jay Narayan Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur
2. Jangali Yadav Son of Triveni Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur
3. Santosh Yadav @ Santosh Kumar Yadav Son of Late Munni Lal Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur
4. Ramdhyan Yadav Son of Late Munni Lal Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur
5. Ranjit Yadav @Ranjit Kumar Yadav Son of Sita Ram Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur
6. Ganga Yadav @ Ganga Ram Kumar Son of Late Munni Lal Yadav Resident of Village - Pusaho, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha, Advocate
		Mr. Ujjawal Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Being aggrieved against an order dated 26.02.2019 passed by the learned Additional District and Sessions Judge-I, Rosera, Samastipur in Sessions Trial No.197 of 2017 arising out of Bithan P.S. Case No.143 of 2016, rejecting an application under Section 227 of the Cr.P.C. against the accused persons.

3. The petitioners are preferred the instant revision



application on the following grounds :

(i) The learned Trial Judge acted illegally and with material irregularity in passing the order rejecting the application under Section 227 of the Cr.P.C.

(ii) The allegation of the defect of complainant is that his sister-in-law died after receiving gun shot injury on her Chick but during postmortem examination the doctor found two injuries on the face region and behind the right ear.

(iii) The doctor did not specifically mentioned about any fire arm injury received by the deceased.

(iv) The F.S.L. report has not been produced.

(v) The prosecution failed to produce any independent witnesses.

4. All these grounds may be taken by the accused persons during trial as defence and the said grounds can only be proved by cross examining the witnesses on behalf of the prosecution. The Trial Judge rejected the petition under Section 227 of the Cr.P.C. on the basis of documents filed by the Investigating Officer under Section 173 of Cr.P.C. The Trial Court at the time of framing of charge is not in a position to consider the documents, except the charge sheet and the case diary, on the basis of which the learned Trial Judge rejected the



application under Section 227 of the Cr.P.C.

5. I do not find any illegally or irregularity in the impugned order, accordingly, the instant revision application is dismissed.

(Bibek Chaudhuri, J)

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