

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32781 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- BARAUNI District- Begusarai

Prabhat Kumar Jha @ Pravat Kumar Son Of Late Pawan Kumar Jha Resident
Of Village- Ward No 15, New Professor Colony, Etwa Ps- Nagar Thana
Begusarai, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raman Kumar Jha Son Of Tej Narayan Jha Resident Of Village- Kikul, Po-
Garhara, Ps- Barauni, (GARHARA Op), Distt- Begusarai, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurv Harsh
For the Opposite Party/s : Mr.Jagdhara Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the order dated 29.03.2023 by which learned Chief Judicial Magistrate, Begusarai has taken cognizance against the petitioner in Barauni P.S. Case No. 394 of 2022 registered under Sections 307, 341, 323, 427, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, informant in his written complaint stated that on 20.08.2022 petitioner along with four unknown persons reached the house of informant equipped with iron rod and other weapons. The accused persons asked the informant that why they are not allowing to erect the boundary



wall. Informant said that as per written agreement among us, the land which is used for common passage for all coprceners. Then they all started abusing the informant and when informant opposes they took iron rod and started assaulting him. They also damaged the Alto Car of the informant. On the basis of said information, Barauni P.S. Case No. 394 of 2022 is lodged against them.

4. Learned counsel for the petitioner has assailed the order of cognizance and submitted that no offence under Section 307 is made out against the petitioner.

5. This application is disposed of with liberty to the petitioner to raise all the grounds including the ground that no offence under Section 307 is made out at the stage of framing of charge. If such an application is filed, the trial court is obliged to consider the same and pass a reasoned order in accordance with law particularly in view of the law laid down in the case of *Kanchan Kumar vs. State of Bihar (2022) 9 SCC 577*, this application is disposed of.

(Sandeep Kumar, J)

Ranjeet/-

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