

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71187 of 2022**

Arising Out of PS. Case No.-78 Year-2013 Thana- INDUSTRIAL AREA District- Vaishali

MUNAKIYA DEVI W/o Surendra Ray R/o Village- Sultanpur, P.S.- Industrial Area, Distt- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Ray S/o Gulab Ray R/o Village- Sultanpur, P.S.- Industrial Area.
3. Chandesh Ray S/o Julum Ray R/o Village- Sultanpur, P.S.- Industrial Area.
4. Gulab Ray S/o Julum Ray R/o Village- Sultanpur, P.S.- Industrial Area.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. It appears that the present quashing application is misconceived as the same has been preferred by the informant of the case assailing the order dated 26.07.2022 passed by the learned Additional District and Sessions Judge-VII, Vaishali at Hajipur in Sessions Trial No.227 of 2019 arising out of Industrial Area P.S. Case No.78 of 2013, whereby charges have been framed against the opposite party no.2 under Sections 147, 148, 149, 447, 341, 313, 324, 307, 379, 427, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

3. The learned counsel for the petitioner submits that the petitioner is aggrieved by the order framing charge, it is next submitted that there was specific allegation against the accused



persons including the O.P. No.2 of causing fire arm injury and the injury caused was grievous but then the charges have not been framed under Section 307 of the I.P.C. and Section 27 of the Arms Act.

4. The learned A.P.P. for the State has vehemently opposes the submissions made by the learned counsel for the petitioner and submits that there is absolutely no infirmity in the order by which charges have been framed against the O.P. No.2, it is next submitted that the order records that there is no injury caused by fire arm nor any evidence was brought before the learned Sessions Judge, from which it could have been even remotely gathered that the injury caused was such which attracted Section 307 of I.P.C., it is next submitted that if during the course of trial the petitioner is able to bring forth the charges of Section 307 of I.P.C. read with Section 27 of the Arms Act, in that event, the learned Trial Court is not denuded of its power to alter the charges, when provision for the same is there under Section 216 Cr.P.C.

5. Considering the submission made by the learned APP, this Court finds no merit in the quashing application, accordingly, the present quashing application is dismissed.

(Satyavrat Verma, J)

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