

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3727 of 2023

Arising Out of PS. Case No.-199 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. Kumar Vishoka Nand @ Visheka Anand Son Of Upendra Narayan @ Upendra Yadav R/V- Jibachhpur, Ward No. - 4, Panchyat Jibachhpur, P.S.- Gamharia, District- Madhepura, At Presently Residing In Adarsh Nagar Nasriganj Near Magadh I.T.I. Danapur Patna And Working As Advocate In Patna High Court Since 1996
2. Anand Raj Deepak @ Deepak Kumar Son Of Satendra Narayan @ Satendra Prasad Yadav R/V- Jiwachhapur, P.S.- Gamharia, District- Madhepura
3. Salendra Kumar Son Of Jhalak Prasad Yadav R/V- Shripur Chakla Ward No. 12, P.S. And District- Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anjani Devi Wife Of Arjun Yadav R/V- Jibachhapur, Pandey Tola, P.S.- Gamharia, District- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-09-2024 None appears for the O.P. No. 02 despite valid service of notice, however learned counsel for the petitioners and the learned APP for the State are present.

2. This is an application for quashing of the cognizance order dated 15.09.2021 passed by the learned J.M.F.C. Madhepura in connection with Gamharia P.S. Case No. 199 of 2020 offence U/s 341, 323, 324, 325, 307, 354, 379, 387, 504, 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioners has submitted



that from the facts of the case and the materials available on record, no offence under Section 307 is made out. He further submits that there is counter case also.

4. The learned APP for the State has vehemently opposed the application of the petitioners.

5. I have considered the submissions of the parties.

6. When there is case and counter case, trial of both the cases will be held together by the same court side by side.

7. This application is disposed of with liberty to the petitioners to raise all the grounds including the ground that no offence under Section 307 of the Indian Penal Code is made out at the stage of framing of charge.

8. If such an application is filed, the Court below consider the same in accordance with the law laid down by the Hon'ble Supreme Court in the case of *Kanchan Kumar V/s State of Bihar; (2022) 9 SCC 577*.

(Sandeep Kumar, J)

Shishir/-

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

