

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46125 of 2018

Arising Out of PS. Case No.-11 Year-2014 Thana- BABUBARHI District- Madhubani

Pankaj Kumar Karak S/o Laxmi Karak, R/o Vill. Bhatchaura, P.S.- Babubarhi,
District- Madhubani.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Krishna Kumar Karak S/o Saryug Karak, R/o Vill.- Matchaura, P.S.-
Babubarhi, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Sri Ramchandra Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. By the impugned order dated 15-05-2018, petition
for discharge of petitioner filed under Section 227/228 of the
Cr.P.C. has been rejected by the court below.

3. Learned court below has mentioned in the order
that the injured suffered fracture injury on his head which is a
vital part of the body. The injured was, initially, admitted to
PHC, Khajauli and thereafter, he was referred to DMCH,
Laheriasarai, Darbhanga.

4. Learned counsel for the petitioner has submitted
that only one injury was found on the vital part of the injured.



As such, it cannot be gathered that the intention of the accused persons was to kill the injured. Hence no case for the offence under Section-307 of the IPC is made out.

5. Having heard learned counsel for the petitioner and the state, I am of the view that the learned court below did not commit any illegality in framing the charge under Section-307 and allied sections of the IPC.

6. Accordingly, this Cr. Misc. Application is dismissed.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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