

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 486 of 2024

Arising Out of PS. Case No.-225 Year-2020 Thana- SAMASTIPUR District- Samastipur

1. Devgan Kumar Son Of Bilat Chaudhari @ Bilat Sahni Village- Kajichowk Dharmpur, Samstipur, P.S.- Mufassil, Distt.- Samastipur
2. Arjun Kumar Son Of Bilat Chaudhari @ Bilat Sahni Village- Kajichowk Dharmpur, Samstipur, P.S.- Mufassil, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prity Mridha W/O- Md. Parwej Alam R/O- New Colony Dharampur, Ward No. 3, Samastipur, P.S.- Nagar Samastipur, Distt.- Samastipur (informant)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sudhanshu Shekhar, Advocate
For the Respondent/s : Mr Md Shakir Ahmad, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 07-08-2024

Heard both the counsel.

2 This revision petition has been preferred by the petitioners being aggrieved with the order dated 29.01.2024 passed in ST No 713 of 2022 by Additional Sessions Judge IX, Samastipur whereby the application filed by the petitioners under Section 228 of the Cr P C has been rejected.

3 On the basis of information given by the informant, FIR was registered and after completion of investigation, charge sheet has been filed before the concerned Magistrate for the



offence punishable under Sections 341, 323, 324, 504, 506, 307/34 of the IPC. After taking cognizance of the offence, the matter was committed to the Court of Session. During course of the said trial, at the stage of framing the charge, an application under Section 228 of the Cr P C has been filed by the accused persons which has been rejected by the learned Additional Sessions Judge vide his impugned order.

4 It is argued by the learned counsel for the petitioners that on the basis of materials available on record, no case under Section 307 of the IPC is made out against the petitioners. The injury report of the victim also shows that though he sustained injuries on his neck but injuries were simple in nature. Therefore, no offence under Section 307 of the IPC is made out but the learned trial Court, without considering this fact, rejected the application of the petitioners.

5 Perusal of the impugned order and other materials available on record clearly show that it was found by the learned trial Court that there were sufficient materials available on record such as statements of witnesses under Section 161 of the Cr P C as well as injury report of the victim, that the charge under Section 307/34 of IPC is made out. Injury report further shows that the injuries sustained by the injured were found on his neck and were



cut injuries and incised wounds. Though they are simple in nature but were found on the neck of the victim which is vital part and were caused by sharp edged weapon. Therefore, the learned trial Court rightly arrived at the conclusion that there is sufficient material available on record for framing charge under Sections 307/34 of the IPC.

6 I do not find any infirmity/illegality in the order of the learned Additional Sessions Judge.

7 Accordingly, this revision petition is dismissed, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024
Transmission Date	20.08.2024

