

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46258 of 2024

Arising Out of PS. Case No.-142 Year-2018 Thana- BRAHMPURA District- Muzaffarpur

Baidhnath Mahto @ Baidnath Mahto @ Baidyanath Mahto Son Of Late Suraj
Mahto Resident Of Mohalla - Laxmi Chowk, P.S. - Brahampura, District -
Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2024 Heard the parties.

2. Learned counsel for the petitioner submits that the cognizance order is bad as from the materials available on record no offence under Section 308 is made out.

3. This application is disposed of with liberty to the petitioner to raise all the grounds at the stage of framing of charge including the ground that no offence under Section 308 is made out as per the injury sustained by the victim.

4. If such an application is filed the same shall be disposed of by the trial Court in accordance with law and in



accordance with the judgment of the Hon’ble Supreme Court in
the case of *Kanchan Kumar vs. the State of Bihar* reported in
(2022) 9 SCC.

(Sandeep Kumar, J)

Arish/-

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

