

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1228 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- MUNGER MUFFASIL District- Munger

Md. Abid @ Abid Husain, Son of Abdul Sattar, resident of Village Mirzapur
Bardah, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Tipu, S/o Md. Julfkar, residence of village – Bardah, P.S. - Muffasi,
District - Munger

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Raunak Kumar Singh, Advocate Mr. Kamal Kishore Jha
For the State	:	Mr. Chandrasen Prasad Singh
For the Informant	:	Mr. Sanjiv Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 22-01-2024 1. It is the case of the petitioner that in connection with Muffasil P. S. Case No. 59 of 2017, dated 21st of March, 2017, police submitted charge-sheet against the petitioner and two other accused persons under Sections 323, 504, 506 and 34 of the Indian Penal Code. In the said case, police also submitted final report in favour of one accused namely, Wali Alam @ Bullo and prayed for discharging him. The learned Trial Judge took cognizance of offence against the petitioner and two accused persons under Sections 323, 504, 506 and 34 of the IPC and discharged the accused, namely, Wali Alam @ Bullo.

2. Against the said order of taking cognizance by the Trial Court, the informant moved in revision before the learned



Sessions Judge, Munger. The said revision being Criminal Revision No. 95 of 2017 was disposed of by the learned Additional Sessions Judge, First Court at Munger, directing the Trial Court to take cognizance against the petitioners also under Section 307 of the IPC in addition to Sections 323, 504, 506 and 34 of the IPC.

3. The petitioner has challenged the said order passed by the learned Additional Sessions Judge, First Court at Munger.

4. I have heard the learned Advocate for the petitioner as well as the learned Advocate for the informant.

5. The learned Advocate for the informant frankly submits that he had not made out any case under Section 307 of the IPC. The informant / *de facto* complainant will be satisfied, if the trial of the case proceeds under the charge of Sections 323, 504, 506 and 34 of the IPC.

6. In view of such submission, the impugned order passed in Criminal Revision No. 95 of 2017, by the learned Additional Sessions Judge, First Court at Munger, is set aside.

7. The petitioner and two other accused persons, against whom charge-sheet has been submitted, shall face trial for committing offence under Sections 323, 504, 506 and 34 of the IPC.



8. The impugned order dated 23rd of August, 2018 is accordingly quashed and set aside.

9. A copy of the order be sent to the Court of learned Magistrate for information and necessary action.

10. Since the informant has not filed any protest petition against the final report submitted in favour of Wali Alam @ Bullo, he cannot be brought into trial by the Trial Court.

11. With the aforesaid observation / direction, the instant revision stands disposed of.

(Bibek Chaudhuri, J)

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