

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.905 of 2024

Arising Out of PS. Case No.-240 Year-2021 Thana- ASHTHAWAN District- Nalanda

Sachidanand Kumar @ Sachidanand Kumar Singh @Sachida Nand Kumar
Son Of Late Ramvriksh Narayan Singh Resident Of Village- Kulti, Po-
Asthawan, Ps- Asthawan, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna Bihar
2. The Additional Chief Secretary, Dept. Of Home, Govt. Of Bihar Patna Bihar
3. The Additional Chief Secretary / Principal Secretary, Dept Of Health Govt. Of Bihar, Patna Bihar
4. The Director General Of Police, Bihar, Sardar Patel Bhawan, Jawahar Lal Nehru Marg, Patna Bihar
5. The Inspector General Of Police, Patna Zone, Patna Bihar
6. The Suerintendent Of Police, Nalanda At Biharsharif Bihar
7. The Sub-Divisional Police Officer, Sadar Nalanda At Biharsharif Bihar
8. The Station House Officer, Asthawan Ps, Nalanda At Biharsharif Bihar
9. The Investigating Officer, Asthawan Ps Case No. 240 Of 2021 Bihar
10. Bipin Singh Son Of Late Shyam Singh Village- Kulti (UTTAR Tola) Po - Astahwan, Ps- Astahwan, Dist- Nalanda At Biharsharif
11. Chandramani Kumar @ Sonu Kumar Son Of Bipin Singh Village- Kulti (UTTAR Tola) Po - Astahwan, Ps- Astahwan, Dist- Nalanda At Biharsharif
12. Kanti Devi Wife Of Bipin Singh Village- Kulti (UTTAR Tola) Po - Astahwan, Ps- Astahwan, Dist- Nalanda At Biharsharif

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the State : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER



2 24-04-2025 Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

“That this is an application for issuance of appropriate writ(s), order(s), direction(s) to the respondents for proper investigation in view of section 173 (8) of the Code of Criminal Procedure, 1973 of the case and for taking proper steps for it in connection with Asthawan P.S. Case No. 240 of 2021 dated 06.10.2021 corresponding to G.R. No. 5950 of 2021 registered u/s. 341,323,308,379,504,506 r/w 34 of the Indian Penal Code and for grant of all consequential reliefs and any other appropriate writs, order(s), direction(s) which your Lordships may deem fit and proper.”

3. Learned counsel for the petitioner has further submitted that charge-sheet has been submitted under Section 308 of the Indian Penal Code and other allied sections though actually the offence under Section 307 of the Indian Penal Code and other allied Sections is made out.

4. This application is disposed of with liberty to the petitioner to file an application at the time of framing of charge and argue that offence under Section 307 of the Indian Penal Code is made out and not under Section 308 of the Indian Penal Code.

5. If such an application is filed by the informant, the trial Court will consider the same and pass a reasoned order in



light of the law laid down by the Hon’ble Supreme Court in the
case of **Kanchan Kumar Vs. State of Bihar** reported in **(2022)**
9 SCC 577.

(Sandeep Kumar, J)

P. Kumar

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