

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.623 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- SONO District- Jamui

Manoj Kumar Yadav, Son of Palakdhari Yadav R/V- Badhakewal, P.S- Charka Pathar, Dist- Jamui

... .. Petitioner

Versus

1. The State of Bihar
2. Awadhesh Singh Son of Doman Singh R/V- Matidar, (Badhakewal).P.S- Cahrka Pathar, Dist- Jamui
3. Vinod Yadav Son of Sukdev Yadav R/V- Badhakewal, P.S- Cahrka Pathar, Dist- Jamui

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate.
For the State : Mr. Bharat Bhushan, APP
For the Respondent No.2: Mr. Pankaj Kumar Sinha, Advocate.
For the Respondent No.3: Mr. Vinod Kumar, Advocate.
Mr. Sanjay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 01-08-2025 Learned counsel for the petitioner, learned APP for the State and learned counsel for the Respondent Nos. 2 and 3 are present.

2. The present revision petition has been preferred against the order dated 5.7.2022 passed by learned Judicial



Magistrate, 1st Class, Jamui, in Sono (Charkha Pathar P.S. Case No. 197 of 2021) arising out of G.R. No. 2104 of 2021 whereby the cognizance for the offences punishable under Sections 302, 201 and 120-B read with Section 34 of the Indian Penal Code have been taken and process has been issued against two accused namely, Modo Yadav and Pintu Yadav. However, for want of sufficient material, the name of Awdhesh and Vinod are dropped from the Proceedings, and hence, the petitioner is aggrieved by dropping of names of two accused namely, Awdhesh and Vinod.

3. Learned counsel for the informant/petitioner submits that without notice to him, the name of two accused were dropped. However, from the perusal of the impugned order, it transpires that the informant was present at the time of the passing of the impugned order. Hence, it does not lie in the mouth of the petitioner to say that he was not informed. Moreover, the whole case was not dropped, but name of only few accused were dropped and trial has been initiated against two accused and the petitioner has remedy to move an application under Section 319 Cr.PC for summoning the accused if evidence comes during the trial.

4. Hence, I find that there is no merit in this case.



5. Accordingly, the present petition is dismissed.

6. However, the petitioner is given liberty to move an application under Section 319 Cr.PC if so advised during trial after recording of prosecution evidence as per law.

(Jitendra Kumar, J)

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