

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1695 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- CHHATAPUR District- Supaul

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Manju devi Wife of Jagarnath Sah Resident of Village- Bhatabari, Ward No 5,
PO- Chhatapur, PS- Chhatapur, Distt.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The state of Bihar through its Secretary, Home Department, State of Bihar,
Patna
3. The Director General of Police, Bihar Patna
4. The Superintendent of Police, Supaul
5. The Deputy Superintendent of Police, Triveniganj Supaul
6. SHO Chhatapur, Triveniganj Supaul
7. Baijnath Sah Son of Lakshman Sah Resident of Village -Bhatabari, Ward No
05, Post office- Chhatapur, Police Station- Chhatapur, Distt.- Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prakash Kumar, Advocate
For the Respondent/s : G.P.-6

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-04-2025 Heard learned counsel for the petitioner; learned
counsel for the State and learned counsel for the informant.

2. The present application has been filed for quashing
the Chhatapur Police Station Case No. 225 of 2023 registered
for the offences under Sections 341, 323, 324, 325, 354B, 308,
379, 504 and 506/34 of the Indian Penal Code and also quashing
of addition of Section 302/313 of the Indian Penal Code.



3. That prosecution story *inter-alia* in short is that on 28.06.2023, when the informant was at his house, anti-social elements, armed with sticks, threatened the petitioner to leave the land otherwise they will kill him and his family. This was opposed by the informant and it was said that since partition had already taken place where they would live if they left. It is further alleged that Jagarnath Sah, Shivnath Sah, Brahmdev Kumar Gupta together twisted the hands of the informant and Manju Devi and Shobha Devi together tried to kill the informant. In the meantime, Shivnath Sah hit the informant hard with an iron rod due to which his hand, shoulder and head got injured and twelve lakh rupees were looted from the informant.

4. The petitioner has challenged the impugned order taking cognizance dated 01.07.2023 on the ground that no offence under Section 307 of the Indian Penal Code is made out but offence under Section 308 of the Indian Penal Code is made out.

5. This contention of the petitioner cannot be considered by the Court at this stage.

6. The application is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge and if such an application is filed, the same shall be



considered by the trial Judge in view 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)

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