

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.743 of 2024

Arising Out of PS. Case No.-1565 Year-2023 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

Hitesh Verma Son of Satya Prakash Verma R/V-Vasaha, P.S.- Baikunthpur,
District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manoj Kumar Son of Ram Ayodhya Parsad @ Jai Prakash Resident of Village- Basaha, P.S.- Baikunthpur, Distt.- Gopalganj
3. Manendra Kumar Son of Ram Ayodhya Parsad @ Jai Prakash Resident of Village- Basaha, P.S.- Baikunthpur, Distt.- Gopalganj
4. Nitish Kumar Son of Ram Ayodhya Parsad @ Jai Prakash Resident of Village- Basaha, P.S.- Baikunthpur, Distt.- Gopalganj
5. Prakash @ Ajay Kumar Son of Manoj Kumar R/O- Village- Basaha, P.S.- Baikunthpur, Distt.- Gopalganj
6. Jigar Kumar Son of Mahesh Prasad R/O- Village and P.S.- Mohammadpur, Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Adv., Mr. Satyendra Rai, Adv. Mr. Sumit Kumar, Adv., Mr. Avinash Kumar Singh, Adv.
For the State	:	Mr. Satyendra Narayan Singh, APP
For O.P.	:	Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 23-04-2025 The petitioner is accused person in a Complaint Case No. 1565 of 2023, challenged an order of cognizance taken by the learned Judicial Magistrate, 1st Class, Gopalganj on 2nd May, 2024, for the offence punishable under Sections 323/341/504/325/34 of the I.P.C., on the basis of statement made in the petition of complaint as well as the statement by the



complainant and the witnesses on solemn affirmation.

2. It is alleged by the complainant in his petition of complaint and corroborated by him in his statement on solemn affirmation that on 19th June, 2022 at about 5:15 P.M., all the accused persons illegally restrained him, abused him with filthy language, assaulted him and one Prakash @ Ajay and Nitish Kumar threw acid on his body, resulting in acid burn injury on the chest of the complainant.

3. The complainant was medically treated by the Medical Officer in Community Health Centre, Baikunthpur in the District of Gopalganj. He found multiple blabs over right and left side of chest, back and both arms with burning sensation and erythema (+). It is also stated that result being attracted by some chemical.

4. If the medical evidence and the statement of the complainant would have been taken into consideration, the learned Magistrate would not have been taken cognizance under Section 325 of the I.P.C. The materials on record shows that cognizance in this case ought to be taken under Section 326(A) or 326(B) of the I.P.C. read with Section 34 of the I.P.C. on the basis of gravity of the injury.

5. For the reasons stated above, the impugned order



dated 2nd May, 2024 is set aside and the learned Magistrate is directed to consider the case afresh on the issue of taking cognizance as to whether cognizance against the accused persons ought to be under Sections 326(A) or 326(B) read with Section 34 of the I.P.C.

6. The impugned order be sent to the learned court below forthwith for immediate compliance of the order.

(Bibek Chaudhuri, J)

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