

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61440 of 2024

Arising Out of PS. Case No.-32 Year-2023 Thana- BHAPTIAHI District- Supaul

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1. Kishundev Sutihar S/O Late Ram Prasad Sutihar R/O Rupauli Punarvas, Ward No. 19, Kamalpur, P.S- Kunauli Bazar, Distt.- Supaul.
 2. Chandan Sutihar S/O Late Ram Prasad Sutihar R/O Rupauli Punarvas, Ward No. 19, Kamalpur, P.S- Kunauli Bazar, Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar Sutihar S/O Shri Ram Lakhan Sutihar R/O Village-Jagdeshpur, Ward No. 6, P.S- Karjan, Distt.- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have challenged the order dated 14.07.2023 passed by learned Incharge Chief Judicial Magistrate, Supaul in Bhaptiahi P.S. Case No. 32 of 2023, G.R. No. 700/2023, C.I.S. No. 1152/2023 taking cognizance of offences under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that on 30.03.2023 at about 07:00 P.M. his younger brother, namely, Pradeep Kumar Sutihar went out of the house to meet



his partner Arun Kumar Sutihar saying that he would drop him back, but his brother did not return home. Thereafter, his family members tried to contact him several times but the phone was found switched off and the informant searched his brother extensively but he could not be found anywhere. It is further alleged that on 01.04.2023 at about 09:00 A.M., the informant received information that an unidentified dead body is lying in water in the village Gopalpur, thereafter the informant went there and identified the dead body as his missing brother. The informant had firm belief that petitioners and other co-accused persons had kidnapped and killed his brother and threw his dead body near the Koshi river with intention of concealing it.

4. The petitioners have challenged the order taking cognizance and upon specific query from the learned counsel for the petitioners as regards the stage of the case. It has been submitted that as of now the charges have been framed.

5. Learned counsel for the State vehemently opposes this application and has submitted that since the accusations have been explained to the petitioners, so the prayer of the petitioners cannot be entertained in the present application.

6. Considering the facts and circumstances of the case and considering the present stage of the case and the case being



under Sections 302, 201 and 34 of the Indian Penal Code, this
Court is not inclined to interfere in the matter.

7. The same is accordingly dismissed.

(Praveen Kumar, J)

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