

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.874 of 2025

Arising Out of PS. Case No.-80 Year-2022 Thana- BARHARA KOTHI District- Purnia

Deepa Devi W/O Shivanandan @ Mantu Mandal R/O Vill.- Luxmipur,
Bhujangi Tola, P.S.- Barhara (Raghuvansh Nagar O.P.), Dist.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Heeralal Mandal S/O late Parsadi Mandal R/O Vill.- Luxmipur, Bhujangi Tola, P.S.- Barhara (Raghuvansh Nagar O.P.), Dist.- Purnea.
3. Anjani Kumar @ Purnanand Mandal S/O Heeralal Mandal R/O Vill.- Luxmipur, Bhujangi Tola, P.S.- Barhara (Raghuvansh Nagar O.P.), Dist.- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Sinha, Advocate Mr. Raunak Kumar Singh, Advocate
For the Respondent/s	:	Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 07-07-2026

Heard learned counsel for the petitioner and I intend to dispose of the present petition at the stage of admission itself.

02. The present petition has been filed against the order dated 19.06.2026 passed by the learned ACJM 1st, Purnea in G.R. No. 1031 of 2022 arising out of Barhara (Raghuvansh Nagar) P.S. Case No. 80 of 2022 whereby and whereunder the learned ACJM took cognizance of the offences under sections 447, 341, 323, 504, 506 and 34 of the Indian Penal Code against opposite party nos. 2 and 3.

03. Briefly stated facts of the case are that the informant Deepa Devi instituted Barhara (Raghuvansh Nagar) P.S. Case No. 80 of 2022 for the offences under Section 143, 341, 323, 324, 504, 506, 447, 448, 354(B), 379, 509 of the IPC



with allegation that the opposite party nos. 2 and 3 along with three coaccused persons armed with *lathi* and *danda* entered into the house of the informant and assaulted the informant and tore her blouse, petticoat and saree. When the mother-in-law of the informant came for her rescue, she was also assaulted and pushed down and she received internal injuries. The brother-in-law of the informant was also assaulted with *lathi* and *danda*. The opposite parties had been demanding that the informant and her family vacate the land where their house was situated.

04. Learned counsel for the petitioner submits that the learned trial court omitted to take note of the fact that the mother-in-law of the informant subsequently died but no cognizance has been taken under Section 304 of the Indian Penal Code against the opposite party nos. 2 and 3. Since there is specific allegation in the written report of FIR and also in the submission of the witnesses that the mother-in-law of the informant namely Urmila Devi received internal injuries and thereafter succumbed to those injuries after a few days of the occurrence. Therefore, the material available on record was not taken into consideration. Learned counsel also submits that at the stage of cognizance, it is only to be seen whether *prima facie* material is available for the cognizance and no threadbare



analysis is required. Learned counsel also submits that though witnesses in paragraph nos. 48 and 49 of the case diary have stated that nobody saw the accused persons assaulting the mother-in-law of the informant though they have also stated that subsequently they came to know that the mother-in-law of the informant was also assaulted and pushed and she died a few days thereafter. Thus, the learned counsel submits that the impugned order suffers from illegality and impropriety and the same needs to be set aside.

05. Perused the record.

06. From perusal of record, I find that copy of the charge sheet is on record and from this charge sheet it is apparent that the mother-in-law of the informant was not medically examined after the occurrence and she did not receive any injuries on the date of occurrence. Even the witnesses cited by the learned counsel for the petitioner have stated that they did not see the mother-in-law of the petitioner being assaulted or pushed down by the opposite party nos. 2 and 3 or any other coaccused persons. It has further been mentioned in the charge sheet that the mother-in-law of the informant was taken to one hospital a week after the occurrence in unconscious state and the doctor after assessment found paralytic attack and the doctor did



not find any type of injury on the mother-in-law of the informant. So the prosecution deleted Section 304 of the IPC from the charge sheet.

07. If there was no credible material before the learned trial court to take cognizance for the offences under Section 304 of the IPC, mere allegation in the written report of the FIR or family members of the informant examined as witnesses would not suffice for the purpose of taking cognizance under Section 304 of the IPC against the opposite party nos. 2 and 3. Therefore, the learned trial court rightly proceeded in the matter and did not take cognizance for Section 304 of the IPC. Therefore, I find no infirmity in the impugned order dated 19.06.2026 and hence, the same is affirmed.

08. Accordingly, finding no merit in the present case, the same is dismissed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	07.07.2026
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