

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1282 of 2025

Arising Out of PS. Case No.-397 Year-2021 Thana- KATEYA District- Gopalganj

Mangesh Kushwaha @ Ganesh Kushwaha S/O Raj Kishore Kushwaha
Resident of Village- Dumraona, P.S. -Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Jagriti Rani, Adv. Ms. Shubhangi Pandey, Adv.
For the State	:	Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-02-2026

I.A. No. 01 of 2025

Heard learned counsel for the petitioner.

02. It appears there is delay of seventy days in filing the present revision petition. I.A. No. 01 of 2025 has been filed for condonation of delay of seventy days in filing the present revision petition.

03. For the reasons mentioned in the interlocutory application, delay in filing the present petition is condoned. Accordingly, I.A. No. 01 of 2025 is allowed.

Cr. Revision No. 1282 of 2025

04. The instant revision petition has been filed against the order dated 04.06.2025 passed by the learned Additional Sessions Judge-XIV, Gopalganj, in Sessions Trial No. 393 of



2024 whereby and whereunder the learned Sessions Court rejected the petitioner's application filed under Section 228 of the CrPC directing framing of charge under Section 307 of the Indian Penal Code.

05. Learned counsel for the petitioner submits that the impugned order is bad in the eyes of law as well as on facts. The intention of the assault or knowledge that assault was going to cause death is *sine qua non* for framing of charges under Section 307 of the IPC. Learned counsel further submits that in the case of *Sarju Prasad Vs. State of Bihar in AIR 1965 SC 843*, the Hon'ble Supreme court held that intention must be proved and it ought not to be inferred casually.

06. Learned counsel further submits the impugned order is passed in a mechanical manner and the learned trial court failed to analyze the medical report, witness statements or circumstances of occurrence and issued a cryptic order thereby causing miscarriage of justice. Learned trial court wrongly presumed that the injury on vital part is sufficient for framing of charges under Section 307 of the IPC.

07. Perused the record.

08. From perusal of record, especially of FIR, I find that there is specific allegation against the petitioner that he



struck the informant at three places with iron rod with intention of causing his death. The perusal of impugned order shows some injuries were inflicted on the head and other vital parts of the body of the informant. If the blows are given on vital parts of the body, there is presumption that the person giving this blow is having knowledge that such blow could be fatal and could endanger the life. Moreover at the stage of framing of charges, it is sufficient, if the material brought on record shows such knowledge or intention to charge a person under Section 307 of the IPC. The quality of evidence is immaterial at the time of framing of charge. It is sufficient if there is material strong enough to presume that the accused has committed an offence for which he should be charged under Section 307 of the IPC. Other aspects of the matter could be dealt with by the learned trial court during the trial. There could be no quarrel with the proposition that intention must be proved and not inferred casually. However, if there is material sufficient for framing charge under Section 307 of the IPC, the Court would normally proceed for framing of charge under the said provision.

09. Moreover in its revisional jurisdiction, this Court is not supposed to reappreciate the facts and take a view different from the learned trial court unless there is manifest



illegality or impropriety in the impugned order. But the same is not the situation here and I do not find any such illegality or impropriety or irregularity in the impugned order.

10. I find no merit in the present revision petition and hence the same is dismissed.

11. The learned trial court is directed to proceed in the matter expeditiously.

(Arun Kumar Jha, J)

Anuradha/-

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