

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11725 of 2013

Arising Out of PS.Case No. -92 Year- 2012 Thana -UCHAKAGAON District- -

Binod Thakur & Ors.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Ashok Kumar 1 (App)

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 14-05-2015

Heard the learned counsel for the petitioner.

This application under Section 482 Cr.P.C. has been filed for quashing the FIR giving rise to Uchakagaon P.S. Case No.92 of 2012 under Section 341, 307, 34 IPC and Section 27 of the Arms Act.

It appears that the FIR was lodged by the opposite party No.2 against the petitioners naming them specifically.

The learned counsel for the petitioner submitted that the petitioners have been falsely implicated in this case by the opposite party appellant No.2. There was earlier compromise between the opposite party No.2 and the petitioner wherein the parties agreed that they would withdraw all their cases including the criminal and civil. The learned counsel further submitted that admittedly, there is a land dispute between the parties. Moreover

at the time of granting anticipatory bail, this Court found that the opposite party No.2 had received lacerated wound caused by hard and blunt substance, no injury caused by fire arms was found.

This case of the year 2012. The learned counsel admitted the fact that after investigation, chargesheeted has been submitted against the petitioner and cognizance has already been taken under Section 307 I.P.C. wherein the petitioner obtained bail. Whether this is a false case, the injury caused are not by fire arms or that the case filed by the opposite party No.2 is because of land dispute is a matter of trial. This Court while hearing an application under Section 482 Cr.P.C. cannot convert into a trial Court and meticulously examine the evidence and recorded a finding that the case has been filed falsely. It is the case of the petitioner that allegation made in the FIR, no case at all is disclosed. In view of the above facts and circumstances of the case, I do not mind any merit in this Cr. Misc. Application and accordingly, it is dismissed.

Sanjeev/-

(Mungeshwar Sahoo, J)

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