

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.776 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

1. Pramod Rai S/o Mangal Rai

2. Mangal Rai S/o Late Yamuna Rai

Both Resident of Village Dulamchak, P.S. Chawary, District Bhojpur at Arrah
(Bihar). Petitioners

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.

2. The Inspector General of Police, Shahabad Range, Arrah, District Bhojpur
(Bihar).

3. The Deputy Inspector General of Police, Shahabad Range, Arrah, District
Bhojpur (Bihar).

4. The Superintendent of Police, Bhojpur at Arrah, District Bhojpur (Bihar).

5. The Deputy Superintendent of Police, Bhojpur at Arrah, District Bhojpur (Bihar).

6. The Officer in-charge, Sahar Police Station, Bhojpur, District Bhojpur at Arrah
(Bihar). Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

Mr. Sandeep Kumar, Advocate

For the Respondent/s : Mr. Vivekanand Singh, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-02-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks quashing of the first information
report of Sahar P.S. Case No. 30 of 2014 registered for the offences
punishable under Sections 364, 302, 201 and 120B of the Indian
Penal Code as well as 27 of the Arms Act.

Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in the case with ulterior motive. On the relevant date of occurrence, one of the petitioner, namely, Pramod Rai had attended the Court proceeding. The petitioners have sought for an information from police under the Right to Information Act but no information is being supplied by the police. It has further been submitted that the entire prosecution case is based on suspicion and on such allegation, the petitioners cannot be prosecuted. It has further been contended that the deceased was a man of criminal antecedent.

I have perused the FIR. I find that the allegations made in the first information report attract ingredients of culpable homicide amounting to murder. The plausible defence of the accused cannot be a ground for quashing FIR while matter is still under investigation.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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