

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1089 of 2014

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

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Ugrah Yadav, S/o Kameshwar Yadav, R/o Village-Ghota, P.S.-Goh, Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through D.G.P., Bihar Patna
2. The Superintendent of Police, Aurangabad, District-Aurangabad.
3. The S.H.O., Haspura, District-Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinah, Advocate
For the Respondent/s : Mr. Prashant Kumar, AC to GP-8

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-04-2015

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

In this application filed under Articles 226 and 227 of the
Constitution of India the petitioner seeks quashing of the first
information report in Haspura P.S. Case No. 75 of 2013 registered
under sections 25(1-B) (a), 26, 35 of the Arms Act and section 17 of
the Criminal Law Amendment Act.

Learned counsel for the petitioner has submitted that
though the petitioner is named in the FIR but he was neither arrested
at the spot nor any recovery was made from his possession. His

name transpired by the co-accused who was arrested by the police and from whose possession illegal firearms were recovered. It has further been submitted that even in course of investigation no cogent material has transpired involving the active role of the petitioner in the alleged offence.

Be that as it may, in my view, these are the things which are to be considered by the investigating agency when the matter is under investigation. At this stage, this Court has only to see whether the allegations made in the FIR do constitute a cognizable offence or not. Admittedly, the FIR discloses commission of a cognizable offence and the petitioner's involvement has also transpired in the offence.

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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