

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42604 of 2013

Arising Out of PS.Case No. -197 Year- 2013 Thana -GAURICHAK District- PATNA

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1. Sachin Kumar S/O Sri Shivjee Singh Resident Of Village- Kandap, P.S-
Gaurichak, District- Patna.
2. Dhiraj Kumar S/O Sri Om Prakash Singh All Resident Of Village-
Kandap, P.S- Gaurichak, District- Patna.

.... Petitioners

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Dasrath Mehta (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-03-2016 Heard learned counsel for the parties.

This application has been filed for quashing of the First Information Report of Gaurichak P.S.Case No. 197/2013 invoking power under section 482 of the Code of Criminal Procedure.

On perusal of the First Information Report, it transpires that the allegations, contained therein, constitute cognizable offence. Registration of the F.I.R., in that background, cannot be said to be in violation of any law.

Learned counsel for the petitioners has submitted that the allegations made in the F.I.R. are false. He has relied on the certificate issued by the school authority to submit that petitioner no.1 was present in the school on the date and time of the alleged occurrence.

Falsehood or otherwise of the allegations made in the F.I.R. cannot be looked into in a proceeding under section 482 of the Code of Criminal Procedure. The contention that petitioner no.1 at the relevant point of time was not present at the place of occurrence and was attending the school is a matter of fact or plea of alibi, which can be raised before the trial court.

This application stands dismissed with the aforementioned observation.

(Chakradhari Sharan Singh, J)

Surendra/-

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