

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.365 of 2016

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Sundar Kumar S/o Late Dukhan Pd., Resident of Mohalla - Kankarbagh,
Gate No. 15, P.S. - Patrakar Nagar, Dist.- Patna

.... Petitioner

Versus

1. The State of Bihar represented through it Chief Secretary, Old Secretariate Building, Patna
2. Kumar Rajiv @ Rajiv Ranjan Singh S.I. Kankerbagh, Police Station Co. Mp. South Golumber, Rajendra Nagar Pul, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Tilak Sao, Advocate
For the Respondents : Mr. Ritesh Kumar (SC-33)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-07-2016 This application has been filed under Article 226 and 227 of the Constitution of India seeking quashing of the First Information Report of Kankerbagh P.S. Case No. 690 of 2015 registered for the offences punishable under Section 414 read with Section 34 of the Indian Penal Code.

Case of the prosecution, in brief, is that on the alleged date of occurrence, i.e., 04.10.2015 when the informant with the police party was on night patrolling, he arrested one Avinash Kumar with some articles which were suspected to be stolen. The said Avinash Kumar disclosed the name of the petitioner who was present along with him and fled away on seeing the police.

The petitioner seeks quashing of the First Information

Report on the ground that there is no material justifying his implication.

Whether the petitioner was present at the place of occurrence along with the said co-accused Avinash Kumar and was in any way involved in the said crime is a matter which is under investigation. On the basis of statements made in the application which are in the nature of defence, the first information report cannot be quashed.

I find no merit in this application. This application accordingly stands dismissed.

(Chakradhari Sharan Singh, J.)

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