

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.32 of 2016

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Dr. Uchit Lal Mandal, son of late Kedar Mandal, Resident of Village-
Khawas Pur, Police Station- Pirpainti, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance
2. The Deputy Inspector General , Vigilance, Patna , Bihar.
3. The Superintendent of Police, Vigilance, Patna, Bihar.
4. Dr. Das Bihari Singh, father's name not known, Civil Surgeon, Kaimur ,
Bhabua, son of not known, resident of Amber, New Sarai Road, Bihar
Sharif, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Satya Prakash

For the Respondent/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Santosh Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

7 05-05-2016 The grievance of the petitioner is that on the same set of

allegation, FIR bearing Special Case No. 7/2012 arising out of

Bhabhua PS Case No. 533 of 2011, and FIR bearing Special Case

No.61/2011 arising out of Bhabhua PS Case No. 449 of 2011 have

been lodged. It is contended that two FIRs on the same set of

allegations cannot be lodged. Though in the first FIR the petitioner

is not specifically named but in the second FIR he has been

specifically named as an accused.

Learned counsel for the petitioner refers to the

judgments in the cases of Madan Rai & Another vs. The State of

Bihar [2015(3) PLJR 633]; Amitbhai Anilchandra Shah vs. The

Central Bureau of Investigation & Another [2013(2) PLJR(SC)

373]; and T T Antony vs. State of Kerala & Ors. [(2001) 6 SCC

181] in support of his contention.

Learned counsel for the respondents fairly submits that both the FIRs can be amalgamated so that the cause of justice is not interfered with.

Admittedly, report under Section 173, Cr.P.C. has been filed in the FIR giving rise to Special Case No.7/2012 against the accused including the petitioner. Therefore, the ends of justice will be met if the police is directed to further investigate into Special Case No. 61/2011 arising out of Bhabhua PS Case No. 449 of 2011 and to submit a report to the same court which is in seisin of the Special Case No. 7/2012.

The present writ petition stands disposed of accordingly.

(Hemant Gupta, J)

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