

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.265 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Ramdev Mahton Son of late Raghunath Mahton Vill+Po Barwat, Parasin , PS Betia, Mufassil, District West Champaran.
 2. Arun Mahton Son of Ramdev Mahton Vill+Po- Barwat, Parasine, PS Betia, Muffasil, District Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. Baliram Mahton Son of Rama Raj Mahton Vill+Po Barwat, Parasin , PS Betia, Mufassil, District West Champaran.
3. Manager, Betia Raj Court of Wards Betia.
4. Director General of Police, Bihar.
5. Binod kumar Singh Ex Officer In-Charge Betia Muffasil at Present Sikarpur Thana, District West Champaran.
6. Shek Insaf, son of Shek Rustam Vill- Mansha tola, PS Muffasil,Betia , W. Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Ms. Renu Jha, Advocate
For the Respondent/s : Mr. Y. P. Sinha, AAG 7
Mr. Shankar Kumar, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 04-08-2016

This application has been filed, seeking quashing of the very First Information Report of Bettia Mufassil Police Station Case No. 179 of 2015, registered for the offences punishable under Sections 406, 420, 467, 468, 471 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted that the criminal case has been maliciously lodged for ulterior purpose and, therefore, it deserves to be quashed,

exercising power under Articles 226 and 227 of the Constitution of India.

Learned Counsel appearing on behalf of the State of Bihar, on the other hand, has submitted that the police, upon completion of investigation, have already submitted charge sheet, based on which, cognizance has been taken.

Considering the submission made on behalf of the State-respondents, I am of the view that this application cannot be entertained.

It is, however, made clear that the petitioners shall be at liberty to challenge the order taking cognizance or raise any plea, which has been raised in the present application, at the stage of framing of charge, or any subsequent stage, which may be permissible to them in accordance with law.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	16.08.2016