

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19930 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -ALAMNAGAR District- MADHEPURA

1. Sagar Kumar Singh @ Sagar Kumar Son of Sri Naresh Prasad Singh
Resident of village - Pama, P.S. Sour Bazar, Distt. - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-08-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for quashing
of the First Information Report of Alamnagar P.S. Case No. 100
of 2015 registered under sections 25(1-B)a, 26 and 35 of the Arms
Act, pending in the court of the learned SDJM, Udakishunganj,
Madhepura.

The prosecution case is that the informant being
police officer received confidential information that two persons,
riding on motorcycle, were chasing a truck driver by brandishing
pistol when on chase the two persons namely Vishal Kumar Singh
and the petitioner were apprehended. From the possession of
Vishal Kumar Singh a country made pistol along with a Samsung

mobile were recovered whereas from the possession of the petitioner a Micromax mobile was seized.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner hence the petitioner cannot be assumed to be brandishing pistol on the truck driver.

In view of this Court, the prosecution of cognizable offence can only be quashed if the accusation does not constitute prima facie case or the prosecution is barred under certain law. More over, the case was registered on 13.7.2015 but there is nothing on record to suggest the present stage of the investigation. Hence, this court is not inclined to interfere in the matter.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions on submission of final report under section 173(2) of Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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