

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.911 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BUXAR

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Brij Kumar Pandey, S/o Late Jagarnath Pandey, R/o Village & PO- Raghunathpur,
P.S.- Brahampur, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar through Superintendent of Police, District- Buxar, Bihar.
2. The State of Bihar through Department of Vigilance, Bihar.
3. Block Agriculture Officer, Chaugai, District- Buxar.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Respondent/s : Mr. R. B. N. Singh, A.C. to G.A.10

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-07-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the FIR and related investigation in connection with (Buxar) Murar P. S. Case No. 49 of 2014 dated 10.10.2014 registered under Sections 408, 409 and 420/34 of the Indian Penal Code.

2. The ground for seeking quashing of the FIR is that in respect of same set of allegation, an FIR was instituted earlier vide Patna Vigilance P. S. Case No. 058 of 2014 dated

03.09.2014.

3. By way of filing a counter affidavit on behalf of the State it has been brought to the notice of this Court that on completion of investigation, the investigating agency has already submitted a report under Section 173(2) of the Code of Criminal Procedure in the court of Magistrate on 31.07.2015.

4. In view of the subsequent developments which took place during the pendency of the application, the instant writ application is disposed of with liberty to the petitioner to challenge the report submitted by the police under Section 173(2) of the Code of Criminal Procedure and/or any adverse order which may have been passed by the court of Magistrate on perusal of the said report.

(Ashwani Kumar Singh, J.)

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