

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47428 of 2014

Arising Out of PS.Case No. -96 Year- 2014 Thana -BAKHTIYARPUR District- PATNA

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Mithilesh Kumar Son of Late Dinesh Das Resident of Mirdahachak, P.O. -
Sabnima, P.S. - Bakhtiyarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dular Chand Das Son of Sri Boudhu Das Resident of Mirdahachak, P.O.
- Sabnima, P.S. - Bakhtiyarpur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-10-2017 This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing the FIR being Bakhtiyarpur P.S. Case No. 96 of 2014(G.R. No. 642 of 2014) dated 20.04.2014 under Sections 323, 341, 325, 307, 504/34 of the Indian Penal Code.

2. Briefly stated, the facts of the case is that the informant opposite party No. 2 Dular Das filed a written complaint stating therein that on 20.04.2014 at 7:00 PM petitioner along with Sunil Kumar and Haddu Kumar entered into his house and assaulted Kanti Devi wife of the informant by lathi by which she sustained head injury and she sustained some internal injury as well as injury on her hand and leg because of assault by the petitioner.



3. It has been submitted by the counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. It has further been submitted that petitioner was constable and posted at Jehanabad and was on duty on the alleged date of occurrence and as such the allegation is false and concocted.

4. After registering the FIR, the police is investigating the case and during investigation, present petition has been filed for quashing the FIR. The power to investigate when the same disclosed commission of on cognizable offence is jurisdiction of police and court should not interfere during investigation to stifle a legitimate prosecutor.

5. As such, this Court during investigation is not inclined to interfere with it, as such, the present petition for quashing the FIR is dismissed.

(S. Kumar, J)

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