

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51150 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -SC/ST PS District- DARBHANGA

=====

Md. Shamsuzaha @ Tara, son of Late Nazmul Hoda @ Raja, residing at village-
Arai, P.S.- Simri, District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate.

For the State : Mr. Binay Krishna, Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the First Information Report of SC & S.T. P.S. Case No. 04 of 2014 filed under Sections 147, 341, 342, 323, 379, 504 of the Indian Penal Code and Sections 3(I)(X) of SC & S.T. Act against the petitioner and his family members on the ground that for the same cause of action, earlier a First Information Report vide Simri P.S. Case No. 21 of 2014 was lodged by one Mahfooz Alam against the petitioner and his other family members.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. Learned counsel for the petitioner has submitted



that firstly, this petitioner has filed case against the informant of both the cases vide Simri P.S. Case No. 20 of 2014 (Annexure-2) and in retaliation, Simri P.S. Case No. 21 of 2014 was filed by Mr. Mahfooz Alam and another vide SC & ST P.S. Case No. 04 of 2014 against the petitioner and other accused persons in Darbhanga.

4. Learned counsel for the petitioner has read out both the First Information Report (Annexure-1 and 3).

5. After perusing both the First Information Report as mentioned above, this Court finds that the fact of both the FIRs as well as cause of action of both the cases are different.

6. Therefore, this Court is not inclined to quash the First Information Report as prayed for by the petitioner.

7. This Criminal Miscellaneous application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23/11/2017
Transmission Date	23/11/2017

