

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37810 of 2016

Arising Out of PS.Case No. -132 Year- 2003 Thana -RAJAULI District- NAWADA

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1. Sudama Rajbanshi Son of Domi Rajbanshi
 2. Yogendra Manjhi Son of Dwarik Manjhi
 3. Kailu Ram Son of Prasadi Ram
 4. Dhaneshwar Paswan Son of Late Baldeo Paswan All Resident of village - Upraili, Manjhela, P.S. Kawakola, District Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Bateshwar Singh Son of Late Uttam Singh Resident of Ward No. 1, Bypass Tilaiya Basti, Road, Jhumari, Tilaiya, P.S. Tilaiya, District Koderma

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 18-04-2017

Heard learned counsel for the petitioners and

learned counsel for the State.

The present application has been filed for quashing the First Information Report of Rajauli P.S. Case No. 132 of 2003 registered for the offences punishable under Sections 147, 148, 149, 363, 392, 302 of the Indian Penal Code and 16 of Criminal Law Amendment Act.

Learned counsel for the petitioner submits that the FIR was registered on 20.12.2003 when the petitioner was in jail custody since 16.12.2003 in another case.



The legal proposition for quashing FIR is well settled. FIR can be quashed if the accusation does not constitute cognizable offence or the prosecution is barred under any law. Moreover, keeping in view of the fact that the FIR was registered in 2003 and there is nothing on record to suggest the present stage of investigation, this Court is not inclined to interfere. However, the investigating agency must conclude the investigation within three months if it has already not been concluded.

Accordingly, this application is disposed of with liberty to the petitioner to raise all the contentions at appropriate stage of the proceeding.

(Dinesh Kumar Singh, J)

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