

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46883 of 2014

Arising Out of PS.Case No. -514 Year- 2004 Thana -SULTANGANJ District- PATNA

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Sazad @ Shahjjad, aged about 38 years S/o Late Anwar Resident of Mohalla
Neemtal, P.S. Sultanganj, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwa Bhushan Sahay, Advocate

For the Opposite Party/s : Mr. Satyendra Narain Singh (App)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 15-11-2017

This petition under Section 482 of Cr.P.C. has been
filed for quashing the order dated 30.06.2005 passed in Sultanganj
P.S. Case No. 514 of 2004, G.R. No. 2079 of 2004 passed by the
C.J.M., Patna, taking cognizance under Sections 147, 148, 149, 302,
307, 324, 323 of the Indian Penal Code and 27 of the Arms Act.

2. Briefly stated, the facts of the case is that an FIR was
registered on fardbeyan of informant on 21.12.2004 recorded at about
10:00 AM, in which he stated that today at about 9:00 AM when
he was in Khan Mirza Street, suddenly (1) Mintu @ Akbar son of
Asraf Ali (2) Babulal son of Nizam (3) Sahgal @ Sahabuddin (4)
Munim @ Guddu son of late Salim Mian (5) Guddu Nepali son of
Basir, (6) Ajay Verma (7) Sajjad, came and open fired in the street



and fled away and thereafter it was found that Raja, Md. Islam, Guddu and Nasir were seriously injured and all miscreants fled away. All injured persons were admitted in P.M.C.H. and Raja died in the Hospital. On the basis of said fardbeyan FIR was registered as Sultanganj P.S. Case No. 514 of 2004.

3. It has been contended on behalf of the counsel for the petitioner that although petitioner is named in the FIR but no overt act has been alleged against him. He has been falsely implicated in this case on the basis of enmity. Petitioner is a business man and is not involved in any criminal activity. It has further been contended that injured petitioners have filed an affidavit in the Court regarding innocence of petitioner. There is enmity between the family of informant and petitioner and on account of such enmity the petitioner has been named in the FIR although he was not there.

4. Police after investigation has submitted charge sheet against seven accused persons including the petitioner under Sections 147, 148, 149, 302, 307, 324, 323 of I.P.C. and 27 of the Arms Act. The police after investigation has found sufficient evidence against the petitioner and has submitted charge sheet against him and the Court after perusing the case diary and evidences on record took cognizance against all accused including petitioner and committed the case to the court of Sessions. This Court is not inclined



to interfere with the matter of taking cognizance against the petitioner at the present stage, as such the present petition filed by the petitioner is dismissed. However, liberty is granted to the petitioner to raise all the issues raised in this petition as well as other issues available to him in law at subsequent stage of trial.

5. The petition stands dismissed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

