

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42559 of 2014

Arising Out of Case No. -508 Year- 2012 Thana -HILSA District- NALANDA (BIHARSHARIFF)

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1. Bisundhari Bind, Son of Late Mahavir Bind
 2. Dhiraj Bind Son of Bisundhari Bind
Both resident of Village- Malbigha, Police Station- Hilsa, District- Nalanda.
 3. Shivjee Singh, Son of Late Raj Kishore Singh, Resident of Village- Rasaibigha, Police Station- Hilsa, District- Nalanda.
 4. Brijnandan Bind, Son of Bangali Bind, Resident of Village- Makanpuri, P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Savitri Devi, Wife of Ritesh Prasad, resident of Village- Malbigha, Police Station- Hilsa, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 30-11-2017 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners seek quashing of the FIR of Hilsa P.S.Case No. 508 of 2012 as well as cognizance order dated 01.03.2014 passed by the learned A.C.J.M., Hilsa taken against the petitioners no. 1 and 2 under Section 364/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in fact the husband of the informant, who is said to have been kidnapped and murdered by the petitioners, was himself an accused in Hilsa P.S.Case No. 280 of 2012, therefore, in order to



shield himself from that case, the present police case was lodged by the wife of Ritesh Prasad.

However, it appears that informant's husband was accused in Hilsa P.S.Case No. 280 of 2012 lodged under Section 302/34 of the Indian Penal Code and in the present case, it is alleged that he was called by accused persons to settle terms of compromise in that case, thereafter, he is found missing since 2012 and the police, after investigating the matter, has filed charge sheet against the petitioners no. 1 and 2 and investigation is still continuing against rest of the petitioners. So it is not that no evidence was collected during investigation against the petitioners no. 1 and 2 and still investigation is continuing against rest others. So there is no ground for quashing the FIR as well as the cognizance order.

The application stands dismissed.

(Arun Kumar, J)

Sujit/-

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