

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19322 of 2014

Arising Out of PS.Case No. -236 Year- 2010 Thana -BANKA District- BANKA

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Mukesh Agrawal, son of Chhedilal Agrawal, resident of Mohalla - Mundichak, P.S.
Tilak Majhi, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Shankar Raj, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 11-09-2017

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

2. The petitioner seeks quashing of the order dated
10.07.2012 passed by the learned Chief Judicial Magistrate, Banka in
Banka P.S.Case No. 236 of 2010 whereby he has taken cognizance
under Sections 307, 323 and 384/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner was neither apprehended at the spot nor he is named in the
FIR and there is no material against him.

4. Contrary to that, learned counsel for the State submits
that it is a case of demanding liquor as extortion from the liquor shop
of the informant and of opening fire arms but out of two miscreants,



one was apprehended at the spot, who disclosed his name as Ashish Kumar Yadav and his accomplice as Randhir Kumar Singh and the police, during investigation, found that apprehended accused real name is Kapil Kumar Yadav and his associate name is Mukesh Agrawal, the petitioner.

5. Having considered the rival submissions and on perusal of record, the Court finds that there is enough material in the case diary to show *prima facie* case against the petitioner, so the present quashing application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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