

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 32 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SAMASTIPUR

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1. Ram Naresh Thakur, Son of Ramjee Thakur
 2. Binod Rai @ Ram Binod Rai, Son of Late Sital Rai
 3. Kamlesh Rai @ Kamlesh Pd. Rai, Son of Jugeshwar Rai
 4. Chandeshwar Rai @ Chande Rai, Son of Late Ram Udgar Rai
 5. Lal Bahadur Rai, Son of Ram Udgar Rai
 6. Bishwanath Rai @ Bishwanath Kumar, Son of Late Ram Udgar Rai
 7. Madhu Sudan Rai, Son of Late Ram Udgar Rai, all resident of village Chakaraj Ali, P.S. Patori, District Samastipur
 8. Guddu Kumar, Son of Ram Binod Rai
 9. Ram Pravesh Rai, Son of Sant Lal Rai
- Both Resident of Village Saidpur, P.S. Patory, District Samastipur

.... Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Darbhanga
4. The Superintendent of Police, Samastipur
5. The Deputy Superintendent of Police, Patory, Samastipur
6. The Inspector of Police, Patory Police Station, District Samastipur
7. The Officer Incharge, Patory P.S., District Samastipur

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Deepak Kumar Singh, Advocate

For the Respondents : Md. Nashrul Hoda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2017

Heard learned counsels for the parties.

The petitioners are named accused in Patori P.S. Case No. 411 of 2016 registered under Sections 147, 342, 353, 290 and 120B of the Indian Penal Code as well as under the provisions of Prevention of Damage to Public Property Act, 1984.

Allegation in the FIR is that the petitioners and other unknown were insisting for release of the arrested accused Pramod



Kumar. On refusal by the police, they committed the offence of obstruction in discharge of official duty by the informant and other police official. They further obstructed the traffic. Allegation is of commission of theft also.

The writ application is for quashing of the FIR.

Submission of the learned counsel for the petitioners is that merely on suspicion, the FIR has been lodged at the instance of the enemy villagers.

Learned counsel for the respondents submits that the police has already submitted charge sheet against the petitioners finding prima facie allegation true.

The law is well settled that mere suspicion is sufficient to put the accused on trial, hence, prima facie material is against the petitioners. This is not a fit case for quashement of FIR.

Accordingly, this writ application is dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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