

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52144 of 2014

Arising Out of PS. Case No.-173 Year-2011 Thana- PALIGANJ District- Patna

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1. Ramchandra Yadav Son of Late Rangi Yadav
 2. Chandrika Yadav Son of Late Shivi Yadav
 3. Binod Kumar @ Binod Yadav Son of Chandrika Yadav
 4. Pramod Yadav @ Pramod Kumar Son of Chandrika Yadav
 5. Harendra Yadav Son of Ramchandra Yadav All are residents of Village - Pyarechak, Police Station - Koch, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. HARENDRA PRASAD (APP)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 22-02-2018

Heard learned counsel for the parties.

2. Learned counsel for the petitioners seeks to set aside the cognizance order dated 09.10.2014, passed by learned SDJM, Danapur in Paliganj P.S. Case No.173 of 2011 thereby taking cognizance of the offence under Sections 147, 341, 323, 504, 379, 384 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that on the alleged day of occurrence, petitioner no.1 was posted in Orissa in Special Armed Police. Prior to this case, petitioner no.1 had lodged Tekari P.S. Case No.16 of 2011 against the informant and others and petitioner nos.2 to 5 are witnesses of the earlier case lodged by



petitioner no.1 and as such, they have falsely been implicated in the instant case.

4. Having considered the rival submissions and on perusal of the records, the Court finds that this is a police case and after investigation, collecting evidence against the accused persons, police has submitted charge-sheet. The plea of *alibi* is a defence to be proved by the accused during the course of trial. It is not a case that the allegations do not disclose the offence and the involvement of the petitioner, so the quashing application stands dismissed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
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