

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79865 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- UJIYARPUR District- Samastipur

ARBIND PRASAD Son of Suresh Prasad Resident of Mohalla-36 Purab Saray, Anchal-Sadar, Police Station-Kotwali, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, in the present case, is seeking quashing of First Information Report of Ujiyarpur P.S. Case No. 35/2019 under Section 120B, 34, 420, 489-B, 489-C of the I. P.C.

Learned counsel for the petitioner submits that the genesis of this case lies in the F.I.R. being Ujiyarpur P.S. Case No. 303/2018 registered on 23.11.2018. On 23.11.2018, the Creta Hundai vehicle bearing registration JH01CC-3620 in which this petitioner along with four others were traveling met an accident on National Highway No. 28. In the said accident two persons namely Sunil Kumar Yadav and Mukesh Kumar Yadav died and some persons were injured. It is alleged now that from the said Creta Car certain articles such as mobile



phones, bag, coins, passbook of this petitioner and some currency including currency of East India Company, magnifying paper, white powder, magnifying glass, black machine, seal and various other things were seized. It is alleged now by lodging this F.I.R. that on verification of the articles recovered from the vehicle and the five people who were present in the said vehicle it has been found that all those persons were involved in the act of fraud and smuggling of antic articles. This aspect of the matter is required to be investigated, therefore the F.I.R. has been lodged.

Learned counsel for the petitioner submits that the present F.I.R. has been lodged almost 4 ½ months after the first F.I.R. was lodged on 23.11.2018. It is submitted that till date no material has been collected by police against this petitioner and so far as recovery of the aforesaid articles are concerned, those were not from the possession of the petitioner. On this grounds the petitioner has moved this court for quashing of the F.I.R.

On the other hand, learned counsel for the State has opposed the prayer for quashing of the F.I.R., as according to him, the investigation in the matter is still going on and a bare reading of the allegations present in the F.I.R. it may be gathered that the allegations made therein are of serious nature



and at this stage when the investigation is still on and the F.I.R. discloses certain allegations which if proved after investigation may be taken as an offence, it would not be just and proper for this court to exercise it's inherent power to quash the First Information Report.

Having heard learned counsel for the parties and on perusal of the records, this court is of the considered opinion that in the nature of the allegations present in the First Information Report which say that upon verification of the articles seized from the Car and also from the verification of the people present there in the Car, police has gathered some information that they are involved in act of fraud and smuggling and those allegations are presently subject matter of investigation, this court finds no reason to quash the First Information Report so as to interfere with at this nascence stage of investigation.

This application has, thus, no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

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