

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1463 of 2019

Arising Out of PS. Case No.-353 Year-2019 Thana- MINAPUR District- Muzaffarpur

=====

Ratan Ray Son of Jitu Ray Resident of Village-Kharahar Majlis Prannath @
Kharhar, P.S-Minapur, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home, Govt. Of Bihar, Old Secretariat, Patna
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Tirhut range, Tirhut Commissioner, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The S.H.O. of Minapur Police Station, Muzaffarpur.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Yugal Kishore
For the Respondent/s : Mr.M. Nasrul Huda Khan

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-11-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing Minapur P.S. Case No. 353 of 2019 dated 03.07.2019 registered inter alia under Sections 302, 120-B of the Indian Penal Code and 27 of the Arms Act.

3. Learned counsel for the petitioner submitted that implication of the petitioner in the present case is due to personal grudge and enmity existing from before. He has further contended



that there is delay of almost 24 hours in institution of the first information report (for short 'FIR'), which clearly goes to show that the name of the accused persons has been given after due deliberation. He has also taken a plea of alibi.

4. On the other hand, learned counsel for the State submitted that in a serious case of murder, the petitioner is one of the named accused. The defence taken by the petitioner cannot be made a ground for quashing of the FIR. He has further contended that the FIR would suggest that in the alleged occurrence of offence the uncle of the informant was killed on the spot and two others, namely, Raja Sharma and Shatrudhan Sahni sustained grievous injury for which they are being treated in SKMCH, Muzaffarpur.

5. I have heard learned counsel for the parties and perused the allegations made in the FIR, as contained in Annexure-1 to the present application.

6. It is alleged in the FIR that the petitioner and others conspired together with the accused Sunil Kumar and told him that Deep Narayan Prasad, uncle of the informant has left his house just now and directed them to kill Deep Narayan Prasad. Thereafter, Sunil Kumar, Sushil Prasad and Shailendra Prasad @ Munna proceeded in search of Deep Narayan Prasad and after



chasing him, Sunil Kumar fired indiscriminately causing injury on the head of his uncle Deep Narayan Prasad as a result of which he died instantaneously and two others, namely, Raja Sharma and Shatrudhan Sahni fell down and sustained grievous injuries for which they are undergoing treated in SKMCH, Muzaffarpur.

7. The allegations made in the FIR are quite serious. It has rightly been contended by the learned counsel for the State that the defence taken by the petitioner including the plea of alibi cannot be made a ground for quashing the FIR in question.

8. In that view of the mater, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.11.2019
Transmission Date	13.11.2019

