

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88 of 2019

Arising Out of PS. Case No.-218 Year-2017 Thana- SAHPUR District- Patna

Raju Rai son of Chandu Rai, Resident of Village - Sadikpur, Rukanpura,
Police Station - Rupaspur, District - Patna at present Village Lodipur, Police
Station- maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Kumar Prabhakar

For the Opposite Party/s : Mr.Sri Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-11-2019 The present petition has been filed for quashing the order dated 15.03.2018 passed by the learned Court of A.C.J.M.-1st, Danapur in connection with Shahpur P.S. Case No. 218 of 2017, whereby and whereunder cognizance has been taken against the petitioner and eight other accused persons under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The case of the prosecution as per the fardbeyan of one Dev Prasad Paswan is that his son had left his house at about 7-8 P.M. in the evening on 08.09.2017 for going to his in-laws place on a motorcycle but later on at about 3 P.M. on 09.10.2017, the informant got information from Rupaspur Police Station that the dead body of the son of the informant had been recovered from Danaiya 'Chawar' (pond) and then the



informant had come to the Sub-Divisional Hospital, Danapur and recognized the dead body of the son, namely, Dharmendra Paswan.

It is the allegation of the informant that his son along with 7-8 other boys had gone to the house of Chandu Rai situated at Lodipur, Maner and he is assured the the said Chandu Rai along with his other accomplice has killed his son and thrown his body in the pond with motive of erasing evidence. It has also been alleged that the son of the said Chandu Rai, namely, Raju Rai i.e. the petitioner herein is also having a hand in the alleged incident.

The learned counsel for the petitioner has submitted that a bare perusal of the FIR would bear it out that the name of the petitioner appears to have been subsequently inserted with ill motive and with a view to deliberately and falsely implicate the petitioner herein, hence the impugned order dated 15.03.2018, to that extent is illegal, arbitrary and fit to be set aside.

I have heard the learned counsel for the petitioner and perused the materials on record as also the case diary from which it is apparent that there are ample materials on record to prima facie make out a case as against the petitioner herein. This Court further finds from the case diary that the Police, upon



investigation, has found the alleged incident to be *prima facie* true as against all the accused persons including the petitioner and has also submitted Charge Sheet No. 1 of 2018 dated 08.01.2018 under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Having regard to the facts and circumstances of the case as also for the reasons mentioned herein above apart from the fact that the petitioner is an accused in the connected case wherein allegation has been levelled regarding killing the deceased person and the Police upon investigation has found the allegations to be *prima facie* true as against the petitioner herein and other accused persons as also has filed a charge sheet, I do not find the present case to be a case wherein the impugned order dated 15.03.2018 passed by the learned court of A.C.J.M.-1st, Danapur in Shahpur P.S. Case No. 218 of 2017, whereby and whereunder cognizance has been taken against the petitioner and others under Sections 302, 201, 120(B)/34 of the Indian Penal Code, requires any interference, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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