

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.133 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- BHAGWANGANJ District- Patna

SHAMBHU SHARMA, aged about 48 years, Gender – Male, Son of Siya Ram Singh Resident of Village - Shriwanichak, P.S.- Bhagwanganj, District- Patna

... .. Petitioner

Versus

1. The State Of Bihar Through The Addl. Secretary, Dept. Of Home Bihar, Patna
2. The Senior Superintendent of Police, Patna, Bihar
3. The Rural Superintendent of Police, Patna Bihar
4. The Dy. Superintendent of Police, Mausaurhi, Patna
5. S.H.O. P.S. Bhagwanganj, Patna
6. Investigation Officer P.S. Bhagwanganj, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.D.K. Sinha, Sr. Advocate
For the Respondent/s : Mr. I.A. Niazi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2020 Heard learned Senior Counsel for the petitioner and learned counsel for the State.

Learned senior counsel for the petitioner in the present case is seeking quashing of F.I.R. bearing Bhagwanganj P.S. Case No. 45/2019 dated 19.05.2019 for offences under Sections 25(1-b)a, 26, 27 and 35 of Arms Act, pending in the court of learned Judicial Magistrate, 1st Class, Masaurhi.

Learned Senior Counsel for the petitioner submits that although in the seizure list the fire-arm has been shown to have been recovered from the house of this petitioner but unless the



knowledge on the part of the petitioner is shown no case would be made out against him. Learned Senior Counsel submits that the fire-arm is a licence fire-arm in the name of the brother of this petitioner.

Learned counsel for the State submits that the F.I.R. has been lodged recently and the matter is still under investigation, in case the petitioner has anything to show in his defence to the Investigating Officer the same may be brought to his notice in order to assist him to reach on a proper conclusion.

Considering the facts and circumstances of the case, this court is of the considered opinion that at this stage the first information report is not required to be interfered with. The investigation is still going on and in case the petitioner is advised to bring any material to the notice of the Investigating Officer he may bring it to his notice and upon receipt of the same the Investigating Officer shall place such materials before the Supervising Authority and on the instruction of the Supervising Authority he will proceed to take appropriate view of the matter, but, in any case, the investigation of the case must be completed and a police final report be submitted in the court below within a period of 90 days from the date of receipt/production of a copy of this order.



Let it be brought to the notice of the Superintendent of Police (Rural), Patna, Bihar for appropriate directions as may be deemed just and proper.

This Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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