

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.567 of 2017

Arising Out of PS. Case No.-27 Year-2017 Thana- SAKRA District- Muzaffarpur

Prem Singh @ Prem Kumar Singh son of Binda Singh, Resident of Village- Sanghopatti, Police Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, S.P., Muzaffarpur.
5. The Superintendent of Excise, Muzaffarpur.
6. The S.H.O., Sakra, P.S. Muzaffarpur.
7. Bhikhari Kumar, Son of Late Rajdeo Singh, resident of Village- Bijruk, P.S.- Athamalgola, Block- Badh, District- Patna, presently posted as Excise Sub Inspector at Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh, Adv.
For the Respondent/s : Mr.Akash Chaturvedi, AC to SC-11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 19-07-2022 Heard learned counsel for the State and learned counsel for the State.

Petitioner in the present case is seeking quashing of First Information Report being Sakra P.S. Case No.27/2017 dated 09.02.2017 registered for the offences under Sections 272 and 273 of the Indian Penal Code and Section 35 (C) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has assailed the First Information Report, but in course of argument, it has



transpired that the police has already completed the investigation and a charge-sheet has been filed in the court of learned jurisdictional Magistrate. The said charge-sheet has not been challenged by amending the writ application.

In course of hearing, this Court called upon learned counsel for the petitioner to take an opportunity if he wants to amend the writ application, however learned counsel for the petitioner has taken the risk to argue the matter without amending the writ application.

In the circumstances stated hereinabove where the investigation is complete and a charge-sheet has already been filed, this Court finds no reason to proceed with the writ application. It is being disposed of as having become infructuous, but with liberty to the petitioner that, if so advised, he may challenge the charge-sheet and the subsequent order of the learned court below in accordance with law.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

