

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.878 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- KATHAIYA District- Muzaffarpur

1. HARI KISHORE RAY S/O JAY NARAYAN RAY R/o village- Paraspur Mushahari, P.S.- Kathaiya, District- Muzaffarpur
2. Ram Babu Ray S/o Hari Kishore Ray R/o village- Paraspur Mushahari, P.S.- Kathaiya, District- Muzaffarpur
3. Shyam Babu Ray S/o Hari Kishore Ray R/o village- Paraspur Mushahari, P.S.- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY (HOME DEPARTMENT) Bihar, Patna Bihar
2. Prabha Devi W/o Late Anil Ray R/o village- Paraspur Mushahari, P.S.- Kathaiya, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. Saroj Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 21-04-2022

Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Saroj Sharma, learned Additional Public Prosecutor appearing for the State.

2. The present application has been filed for quashing the First Information Report of Kathaiya P.S. Case No. 26 of 2021 registered under Sections 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that from perusal of the First Information Report it would be evident that the husband of the informant was called and taken away on the Motorcycle by a person and his dead body was found on the next



date in the morning, but the informant has not disclosed the petitioner's name that he took away the husband of the informant from his house, rather in the First Information Report she says that upon enquiry the informant came to know the name of petitioner No. 2, who took her husband away along with him. Learned counsel further submits that the fact of the matter is that about nine months back, the petitioners had purchased a piece of land from the husband of the informant and due to which the petitioners have been implicated in the present case.

4. Relying upon Annexure-2 which is a news published in the daily newspaper "*Dainik Jagran*" on 3rd March, 2021 regarding the death of the husband of the informant, learned counsel submits that the name of the petitioners were not disclosed even in the news report and with premeditated mind the petitioners have been implicated in this case by the informant.

5. On the other hand, learned counsel for the State submits that from perusal of the First Information Report, it would be evident that the petitioners are named in the First Information Report and *prima facie* case against them is made out.

6. I have heard learned counsel for the parties.

7. From perusal of the First Information Report, it appears that the informant has disclosed the name of the



petitioners in the FIR. Upon bare perusal of the statements made in the FIR, it appears that the same constitute criminal offence against the petitioners and this Court in exercise of power under Section 482 Cr. P.C. can not consider the defence of the petitioners at this stage so as to examine the correctness of the allegations made in the FIR. whether statements/allegations made in the FIR are correct or false shall be decided in a regular trial.

8. In view the aforesaid discussion, I do not find any merit in the submission advanced by the learned counsel for the petitioners.

9. Accordingly, the present application for quashing of the First Information Report is dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28.04.2022
Transmission Date	

