

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11377 of 2021

Arising Out of PS. Case No.-289 Year-2018 Thana- GIRIYAK District- Nalanda

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1. Chuna Kumar S/O Sri Gauri Shankar Singh R/O Village-Pyarepur, P.S.-GIRIYAK, District-Nalanda, Pin Code-803115
 2. Jipu Kumar S/O Sri Ashok Singh R/O Village-Pyarepur, P.S.-GIRIYAK, District-Nalanda, Pin Code-803115 Petitioners

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr.Lalan Kumar, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 28-07-2022 This application has been filed for quashing the FIR of Giriyak Police Station Case No. 289 of 2018 dated 1.8.2018/ GR No. 3129 of 2028 instituted for the offence punishable under sections 341, 323, 354A, 354B, 385, 504, 506/34 of the Indian Penal Code, which is pending in the Court of Additional Chief Judicial Magistrate I, Nalanda at Biharsharif.

Prosecution case in short is that on 1.8.2018 in the morning, informant had gone to the field. Meanwhile, his wife came out of the house for bringing stick of Neem. It is alleged that the petitioners reached there, abused and assaulted her. It is further alleged that on hearing *halla gulla*, informant quickly came to his house and tried to save his wife/the informant. However, he too was assaulted by the petitioners. It is further alleged by the informant that petitioners demanded Rs. 10 lacs as protection money.



Learned counsel for the petitioners submits that the informant and petitioners are agnate and as admittedly there is land dispute between them, petitioners have falsely been implicated in the instant case. Besides this, from perusal of the FIR itself, it is clear that merely general and vague allegation of assault and demand of ransom has been made against the petitioners.

Learned counsel for the State opposes the prayer of the petitioners for quashing the FIR. He submits that the allegations made in the FIR clearly constitute offences against the petitioners punishable under the aforesaid sections of the Penal Code.

Heard learned counsel for the parties and perused the materials available on the records.

In the present case, there is specific allegation that these petitioners came to the house of the informant, abused and assaulted his wife and when informant came in her rescue, they also assaulted him and demanded Rs.10 lacs from him as protection money. Grounds taken by the petitioners are in the realm of probable defence of the petitioners, which cannot be seen at this stage.

It is settled that FIR cannot be quashed on the ground



of false implication. This plea of petitioners can be examined only during trial on the basis of evidence adduced on behalf of parties.

In the facts and circumstances of the case discussed above, this Court does not find any merit in the instant petition seeking quashing of the FIR of Giriyak Police Station Case No. 289 of 2018 dated 1.8.2018/ GR No. 3129 of 2028.

In the result, this petition is dismissed.

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(Prabhat Kumar Singh, J)

