

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15148 of 2021

Arising Out of PS. Case No.-266 Year-2016 Thana- PATORI District- Samastipur

=====

PANKAJ KUMAR Son of Vinod Prasad Gupta Resident of Village - Sahpur
Patori, Post - Patori, District Samastipur near old SDM office, Chaksalem,
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Subodh Kumar

For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioners seek quashing of the FIR bearing Patori
P.S. Case N. 266 of 2016 registered under Sections 147, 148,
149, 341, 323, 326, 307, 504, 506 of the IPC.

The learned counsel for the petitioner submits that no
doubt in the FIR, it is alleged by the informant that the
petitioner assaulted by an iron rod on the head of the husband of
the informant but then during the course of investigation, none
of the independent witnesses have supported the prosecution
case, as such, on this sole ground, the learned counsel seeks
quashing of the FIR as far as the petitioner is concerned.

The learned APP opposes the submission made by



learned counsel for the petitioner and submits that the petitioner is seeking quashing of the FIR and he cannot rely on the investigation at this stage either the petitioner will have to make out a case that from bare reading of the allegation as alleged in the FIR, no offence is made out but if offence is being made out from reading of the allegation and during the course of investigation, something has come in favour of the petitioner then the petitioner will have liberty to raise all the issues at the time of framing of charge.

At this stage the learned counsel for the petitioner seeks permission to withdraw the present quashing application with liberty to raise all the issues at the time of framing of charge which shall be considered by the learned Court below.

Permission is granted.

Accordingly, this quashing application is dismissed as withdrawn.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

