

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.348 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. DEEP NARAYAN YADAV S/O GHOLAT YADAV R/O VILLAGE MANJHAUL TOLA KHAIRA, P.S-CHERIYA BARIYARPUR, DISTRICT-BEGUSARAI.
2. MUKESH YADAV S/O BHUSHAN YADAV R/O VILLAGE MANJHAUL TOLA KHAIRA, P.S-CHERIYA BARIYARPUR, DISTRICT-BEGUSARAI.
3. SHAHEB YADAV S/O LATE RAMOTAR YADAV R/O VILLAGE MANJHAUL TOLA KHAIRA, P.S-CHERIYA BARIYARPUR, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, HOME DEPTT., GOVT. OF BIHAR, PATNA. BIHAR
2. THE SUPERINTENDENT OF POLICE, BEGUSARAI.
3. THE DEPUTY SUPERINTENDENT OF POLICE, MANJHAUL, DISTRICT-BEGUSARAI.
4. THE S.H.O., KHODAWANPUR P.S., DISTRICT-BEGUSARAI.
5. THE INVESTIGATING OFFICER, NAMELY SRI OM PRAKASH KUMAR, CHHAURAH O.P, P.S KHODAWANPUR, BEGUSARAI.
6. BAIJNATH YADAV S/O TULSI YADAV R/O VILLAGE-DIHI, P.O-AKAMBA, KHODAWANPUR (CHHAURAH O.P), DISTRICT-BEGUSARAI.
7. SUBODH KUMAR S/O BAIJNATH YADAV R/O VILLAGE-DIHI, P.O-AKAMBA, KHODAWANPUR (CHHAURAH O.P), DISTRICT-BEGUSARAI.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Respondent/s : Mr. Manish Kumar GP 04

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-06-2023 Heard the parties.

The present application has been filed for quashing of
the First Information Report registered on 01.03.2020 under



Sections 364, 386, 506 / 34 of the IPC bearing Khodawanpur (Chhaurahi O.P.) P.S. Case No. 48 of 2020.

As per the prosecution story on 29.02.2020 the informant along with his son was intercepted by a Bolero vehicle and they were kidnapped by the accused persons named in the First Information Report along with some unknown persons. It has further been alleged that the truck standing at the house of the informant was also stolen.

Learned counsel for the petitioner submits that the present First Information Report has been lodged due to dispute between the parties regarding purchase of truck in question inasmuch as both the parties had purchased the truck under joint ownership and informant is the brother- in- law of the petitioner no. 1 and this fact has deliberately been concealed in the First Information Report. Learned counsel referring to Annexure – 3 to this application, which is an agreement between the parties regarding purchase of the truck submits that First Information Report is not *bona fide* and no offence has taken place in the manner as alleged in the First Information Report.

On the other hand, learned counsel for the State submits that on bare perusal of the First Information Report it is evident that cognizable offence is made out and if the petitioners



have any defence they may raise the same at appropriate stage.

I have heard learned counsel for the parties and have perused the First Information Report. On perusal of the First Information Report without adding or subtracting anything in my opinion prima facie offence is made out. The defence of the petitioners cannot be taken at the stage of quashing. Accordingly, I am not inclined to interfere with the First Information Report.

The application stands rejected.

(Anil Kumar Sinha, J)

praful/-

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

