

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1362 of 2017

Arising Out of PS. Case No.-136 Year-2013 Thana- GOGRI District- Khagaria

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1. Mahavir Jain @ Mahavir Kumar Jain.
 2. Nand Lal Jain.
Both Sons of Late Mishri Lal Jain, R/o Village- Shastri Nagar, P.S.-
Bhilwada, District- Bhilwara State Rajasthan.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Home
Govt. Of Bihar, Patna
2. Parsan Kumar Son of Gauri Shankar Sah, R/o Village- Rampur, Road,
Jamalpur Gogri, P.S.- Gogri, District- Khagaria.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Viveka Nand Singh, Advocate
For the Respondents	:	Mr. Sheo Shankar Pd., S.C.-8

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-02-2023 Heard learned counsel for the petitioners and

learned counsel for the State.

This application has been filed for quashing of
F.I.R. vide Gogri P.S. Case No.136 of 2013 registered for the
offences under Sections 406 and 420 of the Indian Penal Code.

As per the F.I.R. the informant is engaged in the
business of maize and is doing the said business for last five
years through the petitioners. It is alleged that the informant has
supplied maize of about Rs.35 lakhs to one Ravindra Feeds. Out
of the total amount, an amount of Rs.12 lakhs has been given to
the informant through bank account. It is also alleged that



though the petitioners have taken rest amount of Rs.23 lakhs from the said Ravindra Feeds but they refused to give the said amount to the informant.

From reading of the F.I.R., it appears that *prima facie* case is made out against the petitioners. Therefore, the F.I.R. cannot be quashed.

Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others* reported in (2020) 10 SCC 118, this application is dismissed.

(Sandeep Kumar, J)

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