

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12608 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- AMARPUR District- Banka

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Shri Narayan Sharma Salil @ Shrinarayan Sharma Salil Son Of Devnarayan
Sharma Resident Of Village- Bhikhanpur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Ashok Das Son Of Sideshwar Das Resident Of Village- P.O. And P.S.- Sher
Ghati, District- Gaya, The Block Co- Operative Officer Amarpur, Police
Station- Amarpur, District- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-07-2023

Heard the parties.

2. This is an application for quashing of F.I.R. of
Amarpur P.S. Case No. 320 of 2021 dated 28.06.2021 registered
for the offences under Sections 188/406 of the I.P.C.

3. As per the F.I.R., the informant namely Ashok
Das, the Block Cooperative Officer, Amarpur received an oral
order from District Co-operative Officer, Banka to register an
FIR against the chairman of Bhikhanpur PACS namely



Shrinarayan Sharma "Salil" as he has not purchased 616.93 quintals paddy crops from 14 farmers. He further stated that on 09.02.2021 the District Co- operative Officer, Banka received a complaint from farmers of Bhikhanpur PACS about non purchase of paddy crops from them upon which the informant handed over a letter to the chairman on 11.02.2021 regarding purchase of paddy crops from the farmers even then paddy crops had not been purchased from them. Thereafter on complaint of farmer a letter was also handed over to the PACS manager namely Ajit Kumar Sharma regarding purchase of paddy crops, even then the same has not been purchased.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence.

5. Learned counsel for the petitioner further submits that PACS and Vyapar Mandal were authorized to purchase paddy crops from farmers on Minimum Support Price for the Kharif Session 2020-212.

6. Learned APP has vehemently opposes the prayer of the petitioner.

7. I have heard the parties.

8. Considering the law laid down by the Hon'ble Supreme Court in the case of *Neeharika infrastructure pvt Ltd.*



V. State of maharashtra and others (2020) 10 SCC 118 and in
the case of *State of Bihar vs P.P. Sharma 1992 Supp (1) SCC*
222, this application is dismissed.

(Sandeep Kumar, J)

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