

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.591 of 2021

Arising Out of PS. Case No.-557 Year-2019 Thana- AMARPUR District- Banka

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1. Rudra Pratap @ Rudra Pratap Singh Son of Shri Nath Singh, Officials of Mahadev Enclave, Mahadev Enterprises, Lal Kothi, Banka, P.S. - Banka, District - Banka.
 2. Pahalwan @ Digvijaya Singh @ Durgvijaya Yadav Son of Kailash Yadav, Staff of Mahadev Enclave, Mahadev Enterprises, Lal Kothi, Banka, P.S. - Banka, District - Banka.
 3. Puran @ Purn Singh Son of Chhailu Singh, Staff of Mahadev Enclave, Mahadev Enterprises, Lal Kothi, Banka, P.S. - Banka, District - Banka.
 4. Amar Singh Son of Hari Singh, Officials of Mahadev Enclave, Mahadev Enterprises, Lal Kothi, Banka, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Principal Secretary, Department of Home (Special), Government of Bihar, Patna.
4. The District Magistrate, Banka at Banka, District - Banka.
5. The Superintendent of Police, Banka at Banka, District - Banka.
6. The Sub- Divisional Police officer, Banka at Banka, District - Banka.
7. The officer -In-Charge, P.S. - Amarpur at Amarpur, District - Banka.
8. The Investigating officer of Amarpur P.S. Case No. 557/19, P.S. - Amarpur, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Adv.
	:	Mr. Subhash Kumar Jham, Adv,
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 16-03-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the present writ petition with
a prayer to quash the F.I.R. bearing Amarpur P.S. Case No. 557 of
2019 dated 02.11.2019 lodged under Section 302/34 of the Indian

Penal Code.

Learned counsel for the petitioner argued that there was an F.I.R. lodged with a story in detail bearing Amarpur P.S. Case No. 538 of 2019 dated 23.10.2019. He submits that the matter directly and substantially in issue are identical and continuance of the second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019 under Section 302/34 of I.P.C. is in the teeth of Amarpur P.S. Case No. 538 of 2019. According to him the death of husband of informant of second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019 may cause in police firing about which first F.I.R. i.e. Amarpur P.S. Case No. 538 of 2019 has been lodged and, therefore, with a view to save the skin, the second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019 has been lodged, hence, the submission of counsel for petitioner is that the second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019 should be quashed and first F.I.R. i.e. Amarpur P.S. Case No. 538 of 2019 should be continued.

Learned counsel for the State submits that there are two F.I.Rs. lodged, according to him both the F.I.Rs. have been filed by two different informants. In first F.I.R. i.e. Amarpur P.S. Case No. 538 of 2019 the informant is the Government Official who has made allegation that illegal mining work was going on and the named accused persons are involved in the illegal mining

of sand. The provision of law is also there of Mining Act and I.P.C. The time of F.I.R. is also different. He further submits that the second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019 has been filed by private person who is wife of the deceased under Section 302/34 of the Indian Penal Code and this F.I.R. is basically against the specific named accused person who is petitioner in the present case. Counsel submits that on minute reading of the F.I.R. itself, it transpires that the time of occurrence are also different in both the F.I.Rs. and the informant of both the F.I.Rs. are also different. The second F.I.R. i.e. Amarpur P.S. Case No. 557 of 2019, which the petitioner wants to quash is in severe sections.

In the light of above arguments made by the parties and after perusal of the documents, this Court is of the view that both the F.I.Rs. are not identical, both are different and both the F.I.Rs. are lodged under different provision of law with different story by different informant and, therefore, the present Cr. Writ Petition is hereby **dismissed**.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	