

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.424 of 2022

Arising Out of PS. Case No.-302 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Lakhan Prasad S/O Late Lohari Sah R/O Village And P.O. And P.S.- Obra,
District- Aurangabad, At Present Posted As Apm (Accounts) -cum-Post
Master, Aurangabad Head Office, Aurangabad.

... .. Petitioner/S

Versus

1. The State Of Bihar, Through Director General Of Police, Bihar, Patna.
2. The Inspector General Of Police, Magadh Range, Gaya.
3. The Superintendent Of Police, Gaya.
4. The Sub-Divisional Police Officer Sadar, Aurangabad.
5. The Officer Incharge, Nagar Thana (Town Police Station) Aurangabad.
6. Alam S/O Hamid Hussain Resident Of Nawadih Cowk, P.S.- Town Police
Station, District- Aurangabad.
7. Mohd. Reyaz S/O Not Known Resident Of Nawadih Cowk, P.S.- Town
Police Station, District- Aurangabad.
8. Mohan Prasad Singh S/O Not Known Resident Of Karma Road, Sanshar
Colony, Aurangabad.
9. Ashok Prad Singh S/O Not Known Resident Of Near Sai Mandir, Club
Road, Aurangabad.
10. Shakuntala Tiwari D/O Not Known Resident Of Karma Bhagwan Tola,
Vishnupur, P.S.- Town Police Station, Aurangabad.
11. Sunil Prajapati Resident Of Karma Bhagwan Tola, Vishnupur, P.S.- Town
Police Station, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwari, Adv.
For the Respondent/s : Mr. Manikant Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that the present Cr.
Writ application has been filed for quashing of F.I.R. bearing

Aurangabad Town P.S. Case No. 302 of 2018 dated 12.10.2018 under Sections 420, 409, 120(B) of the I.P.C.

Counsel for the petitioner submits that vide letter dated 20.01.2022, the S.H.O, Sadar, Aurangabad has submitted a report, in which no material has been found against the present petitioner. Counsel submits that even after communication of the letter, final report against the present petitioner under Section 173(2) of the Cr.P.C., has not been submitted.

Counsel for the State in response submitted that there are other accused in this case, however, investigation could not be completed, therefore, the report under Section 173(2) has not been submitted.

In the above peculiar facts and circumstances, the petitioner is hereby directed to represent himself before the Superintendent of Police, Aurangabad in the light of ***Surendra Singh Vs. State of Bihar & Ors.*** Vide order dated 09.09.2022 ***passed in Cr. W.J.C. No. 153 of 2017*** with analogous cases.

And upon receiving the representation, the Superintendent of Police, Aurangabad shall take a decision submitting report under Section 173(2) of the Cr.P.C., relating to the petitioner, before the concerned Court, within six weeks thereafter.

With the aforesaid direction, this Cr. Writ petition is
hereby disposed off.

(Dr. Anshuman, J.)

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