

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21846 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- GOGRI District- Khagaria

AMAR YADAV S/O SHRI MUSO YADAV Resident of Village- Shishwa,
P.S.- Gogri, District- Khagaria Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. JULIE DEVI W/O LATE BRAJESH YADAV Resident of Village- Shishwa,
P.S.- Gogri, District- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-04-2023 Heard learned counsel for petitioner and learned
Additional Public Prosecutor.

This application is filed for quashing the F.I.R.
being Gogri Police Station Case no. 81 of 2023, dated
03.03.2023, registered for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code, 1860 and
under Section 27 of the Arms Act, 1959.

The prosecution story in short is that Smt. Julie
Devi along with her husband namely Brajesh Yadav and
children went out to see Yagya Fair on 03.03.2023 at about 2:15
P.M. It is alleged that the petitioner along with Co-accused
persons of the F.I.R. armed with weapons were waiting for them
near the house of Padarath Yadav. It is also alleged that the
petitioner fired with his rifle upon the husband of the informant



and subsequently other accused persons also started firing upon him. It is further stated that her husband was shot down and the informant saved herself and her children by running back towards her house.

Learned counsel for petitioner submits that the investigation is going on and the petitioner wants fair investigation.

For fair investigation, the petitioner will file an application in the Court of learned Magistrate. The Magistrate has all the powers to monitor the investigation in light of the Judgment of the Hon'ble Supreme Court in the case of ***Sakiri Vasu Vs. State of Uttar Pradesh AIR 2008 SC 907*** as well as in ***Cr. Writ No. 153 of 2017 (Surendra Singh Vs. State of Bihar)***. If such an application is filed, the learned Magistrate will be obliged to pass an order in accordance with law.

In view of the law laid down by Hon'ble Supreme Court in Case of ***Sakiri Vasu Vs. State of Uttar Pradesh(Supra)*** and ***Surendra Singh Vs. State of Bihar***, this application is disposed of.

(Sandeep Kumar, J)

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