

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35471 of 2017

Arising Out of PS. Case No.-296 Year-2015 Thana- RAXAUL District- East Champaran

Vishal Kumar Son of Ram Naresh Prasad Kushwaha, R/o Mohalla- Koiria
Tola , Ward No.24, P.S.- Raxaul, District- East Champaran Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Deepak Kumar Son of Ranvir Singh, R/o Village- Naga Road, Ward No.11,
Raxaul, P.S.- Raxaul, District- East Champaran Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashing
of the order dated 30.08.2016 passed by the learned Sub-
Divisional Judicial Magistrate, Raxaul at Motihari in connection
with Raxaul P. S. Case No. 296 of 2015, Tr. No.3259 of 2016,
whereby cognizance has been taken under Sections 386 and
120(B) of the I.P.C.

3. The learned counsel for the petitioner submits that
the informant of the case alleges that his father is proprietor of
Deepak Enterprises and on 06.12.2015, he received a call from



Mobile No.7808858414 at 4.02 P.M., whereby caller demanded an extortion of Rs.5 Lacs, failing which he would be killed, when the same was denied, it is alleged that he again received calls on 09.12.2015 and thereafter, again on 10.12.2015, when the caller threatened that in the event, if the amount is not paid by the evening, then the informant along with his brother would be killed.

4. The learned counsel for the petitioner submits that petitioner has been false implicated in the present. It is next submitted that he is not named in the F.I.R. and during the course of investigation, his name transpired in the confessional statement of one Ramesh Kumar, which does not have any evidentiary value, nor the petitioner was liner of Sumit Patel as has come during the course of investigation. The learned counsel thus submits that petitioner has been falsely implicated for reasons best known to the informant.

5. The learned A.P.P. Sri Chandra Bhushan Prasad opposes the quashing application and submits that the submissions of the learned counsel for the petitioner for the present cannot be looked into as the same is in nature of defence. Further, no doubt, confessional statement does not have any evidentiary value, but then, the same can only be tested in a



duly constituted trial.

6. Considering the submission made by the learned Additional P. P., the Court is not inclined to entertain the quashing application.

7. The quashing application is thus rejected.

(Satyavrat Verma, J)

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