

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26693 of 2023

Arising Out of PS. Case No.-963 Year-2021 Thana- SAHARSA SADAR District- Saharsa

SHALIGRAM DEO @ SHALIGRAMA DEO, aged about 75 years, S/O
LATE GANGA DEO Resident of Village- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-05-2023 Heard learned counsel for the parties.

Mr. Choubey Jawahar, learned counsel for the State has filed counter affidavit who has vehemently opposed the petition.

This application has been filed for quashing the order dated 21.06.2022 by which learned Chief Judicial Magistrate, Saharsa has taken cognizance against the petitioner in Saharsa P.S. Case No. 963/2021 registered under Sections 147/ 148/ 149/ 188/ 332/333/353 of the Indian Penal Code.

The 75 years old person is to be prosecuted in the case registered under Sections 147/ 148/ 149/ 188/ 332/333/353 of the Indian Penal Code only on the basis of conjecture and surmises. It has been submitted by the learned counsel for the petitioner that the police doesn't know the petitioner and



someone has falsely implicate the petitioner. The petitioner is an old ill person. He does not venture out much from his house and because of the local politics he has been named.

Learned counsel for the State submitted that the petitioner has been named by four home guards who were part of police party. But the learned counsel for the State has not able to explain as to how the home guards knew the petitioner personally and how could they identify the petitioner. It seems that the petitioner is being prosecuted malafide at the hands of local police. Moreover, this kind of prosecution of the petitioner should not be allowed to continue.

The order dated 21.06.2022 passed in Saharsa P.S. Case No. 963/2021 is hereby quashed with respect to the petitioner only.

Accordingly, this application is allowed.

(Sandeep Kumar, J)

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