

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27680 of 2023

Arising Out of PS. Case No.-613 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

1. PREM NIWAS SINGH Son of Late Rameshwar Singh
 2. SRI NIWAS SINGH Son of Late Rameshwar Singh
 3. SAWAR KUMAR Son of Sri Niwas Singh
 4. SAURABH KUMAR Son of Sri Niwas Singh
 5. ARUN SINGH @ ARUN KUMAR SINGH Son of Late Bodhan Singh
 6. SUBHASH SINGH Son of Late Bodhan Singh
 7. RAMANUJ KUMAR @ RAMANUJ SINGH @ BABU SAHEB Son of Late Bhuneshwar Prasad Singh
- All are Resident of Village - Pokhariya, Police Station - Begusarai Town in the District of Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-11-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners submits that the present application has been filed for quashing the order dated 22.12.2022 passed by the learned Additional Sessions Judge-II, Begusarai in S.Tr. No. 287 of 2020 arising out of Begusarai Town P.S. Case No. 613 of 2017 whereby application filed on behalf of the petitioners seeking discharge under Section 227 Cr.P.C. has been rejected.

3. Learned counsel for the petitioners submits that the



informant, who is an Advocate, had instituted the present FIR alleging therein that on behalf of his client he reached the place of occurrence where he was assaulted by the accused persons including the petitioners.

4. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant on behalf of his client had reached the place of occurrence where he alleges that he was assaulted by the accused persons including the petitioners with whom his client was having dispute. It is further submitted that since informant was representing his client as such he falsely implicated the accused persons including the petitioners. Learned counsel for the petitioners next submits that police after investigation submitted final form in favour of the petitioners but the learned Magistrate differing with the police report took cognizance and thereafter the discharge application was filed seeking discharge which came to be rejected by the order impugned in the present quashing application.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the quashing application and submits that from perusal of the order impugned, it would manifest that the learned Sessions Judge while dismissing the discharge



application filed under Section 227 Cr.P.C. by the petitioners had clearly recorded that police after investigation submitted charge-sheet against the petitioners and the accused persons. It is thus submitted that this perhaps explains why the charge-sheet has not been annexed with the quashing application.

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

7. Accordingly, the present quashing application is dismissed.

(Satyavrat Verma, J)

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