

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33504 of 2023

Arising Out of PS. Case No.-533 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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PRASHANT KUMAR @ BAJRANGI Son of Late Narendra Prasad Singh
Resident of Village- Bandhu, PS- Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Late Rajendra Singh Resident of Village- Baramsara,
PS- Harsidhi, District- East Champaran, Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 19-05-2023 Heard learned counsel for the parties.

This application has been filed for quashing the
F.I.R. of Motihari Town P.S. Case No. 533 of 2022 dated
29.07.2022 registered for the offence under Section 302 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the marriage of the
daughter of the informant was solemnized with present
petitioner in the year 2013. It is alleged that on the night of
28.07.2022 at around 1.00 A.M. the daughter of the informant
shot herself. When the petitioner informed his father-in-law, he
immediately reached at the place of occurrence and saw that his
daughter was lying on sofa and there was bullet injury on her



head but she was moving her limbs. She was immediately taken to the hospital but she died during her treatment.

The submission of the learned counsel for the petitioner is that the F.I.R. has been tampered with and the petitioner has falsely been implicated in this case though the informant did not want to implicate the petitioner.

From reading of the F.I.R. it appears that the name of the petitioner has been inserted in the F.I.R. with a different pen.

To clarify the matter, this Court had called the S.H.O. and the Investigating Officer of Motihari Town P.S. Case No. 533 of 2012. The informant has appeared suo moto.

This Court has interacted with the informant. He submits that he has not made any allegation against the petitioner and he further submits that the petitioner is innocent. Though, this Court generally doesn't interfere in such kind of F.I.R. but considering the peculiar nature of this case and the fact that the informant has not made any allegation against the petitioner and is now also not making any allegation against the petitioner, this application is allowed.

Accordingly, the F.I.R. vide Motihari Town P.S. Case No. 533 of 2022 and all other consequential proceedings



arising out of the aforesaid F.I.R. are hereby quashed in the interest of justice.

The complicity of Police official/officials in tampering with the F.I.R. is apparent on the face of the record.

The Superintendent of Police, East Champaran, Motihari is directed to enquire into the matter himself and take action against the guilt official as this kind of forgery cannot be permitted.

The Superintendent of Police, East Champaran, Motihari will send a report after two months.

List this case on ***21st June of 2023.***

(Sandeep Kumar, J)

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