

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32164 of 2019

Arising Out of PS. Case No.-236 Year-2011 Thana- PATLIPUTRA District- Patna

SURESH UPADHYAY Son of Late Deo Prasad Upadhyay Resident of
Village /Mohalla - Sidheshwar Nagar, P.S.- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed for quashing of order dated 23.03.2019 passed by learned Sub-Judge-cum-A.C.J.M-XV, Patna in G.R. No. 5208 of 2011 arising out of Patliputra P.S. Case No. 236 of 2011.

3. It is alleged that a mob had unlawfully obstructed Digha Gandhi Maiden main road near LCT Ghat by putting up bamboo and tyres on various places. When the police requested them to remove the blockade, the mob refused the same and around 60 to 70 persons under the leadership of petitioner started raising slogan against the Police and started pelting stone on the vehicles and when the police tried to stop them they engaged with police force. It is also alleged that due to blockade



of the road, the divers who were coming from Sultanganj to rescue children drawn in river, could not reach within time.

4. From reading of the F.I.R, it appears that there was a protest because of death of a child. These kinds of protest are common when the police do not take any action and for participating in the protest, the petitioner cannot be punished to attend the trial in a case registered in the year 2011. Admittedly, the petitioner is 70 years old.

5. Considering the aforesaid facts and in the interest of justice, this application is allowed. The impugned order dated 23.03.2019 passed by learned Sub-Judge-cum-A.C.J.M-XV, Patna in G.R. No. 5208 of 2011 arising out of Patliputra P.S. Case No. 236 of 2011 is hereby quashed.

(Sandeep Kumar, J)

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