

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.749 of 2022

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

AMAR YADAV SON OF LATE MUSO YADAV RESIDENT OF VILLAGE-
SISWA, P.S.- GOGRI, DISTRICT- KHAGARIA ... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HOME DEPARTMENT, BIHAR, PATNA
2. THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA
3. THE SUPERINTENDENT OF POLICE, BHAGALPUR
4. THE DY. S.P. BHAGALPUR
5. THE STATION HOUSE OFFICER, ISHAKCHAK POLICE STATION,
DISTRICT- BHAGALPUR
6. THE I.O. OF ISHAKCHAK P.S. CASE NO. 155/2020
7. ADITYA KUMAR SON OF CHANDESHWARI BHAGAT RESIDENT OF
VILLAGE- PAHLAM, P.S.- SALKHUA, DISTRICT- SAHARSA
... Respondents

Appearance :

For the Petitioner : Mrs. Pooja Kumari, Adv.
For the State : Mr. Iqbal Asif Niazi, AC to GP V
For the Informant : Mr. Aditya Prakash Sahay, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-04-2023

Counsel for the petitioner is directed to remove the defect(s)
within two weeks.

Heard learned counsel for the petitioner, the State and the
informant.

The present writ petition has been filed for quashing of the
first information report bearing Ishachak P.S. Case No. 155 of 2020,
dated 04.12.2020, registered under Sections 302, 120(B)/34 of the
Indian Penal Code and 27 of the Arms Act.

Counsel for the petitioner submits that the petitioner is
innocent and has committed no offence. He has been made accused in
this case only-and-only on the basis of suspicion as there is nothing
specific alleged against the petitioner.

Counsel for the State submits that counter affidavit has



already been filed in this case and copy of the same has served to the counsel for the petitioner on 17.01.2023. Counsel submits that in the counter affidavit it has come that the case has been found true against 15 accused persons, including the petitioner during the course of investigation. It has also been mentioned that evidence has been collected and supervision note has been prepared by the Assistant Superintendent of Police.

Counsel for the informant vehemently opposes the prayer of the petitioner and submits that the present petitioner has also attacked on the victim in the year 2019 itself for which separate criminal case filed and the said case is still pending.

Upon going through the documents and pleadings of the parties and considering the first information report that the petitioner is named in the first information report and the allegation is there in the first information report, which requires investigation. Material has come against the petitioner, as mentioned in the counter affidavit, hence, this Court is not inclined to interfere in the matter.

With this observations, this writ petition is **dismissed**.

(Dr. Anshuman, J)

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