

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38876 of 2023

Arising Out of PS. Case No.-698 Year-2022 Thana- SHERGHATI District- Gaya

RANI KUMARI Wife of Gaurav Kumar D/o Bipin Singh, Resident of Village - Gopalpur, P.S.- Sherghatti, District - Gaya. At present R/o Village - Bela, P.S.- Govindganj, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 27-07-2023
1. Heard the learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
 2. The S.H.O. Sherghati is personally present in Court.
 3. This is an application for quashing of the order dated 15.11.2022 passed in Sherghati P.S. Case No. 698/2022 by which the learned Magistrate took cognizance for the offence punishable under Section 302/120B and Section 34 of the I.P.C. and Section 27 of the Arms Act.
 4. As per the prosecution case, the informant gave a written report before police on 07.08.2022 that he along with his brother were at their new hotel when his brother received a call and his brother left the hotel with assurance to come and after two hours, informant received a call that his brother was shot dead



near river.

5. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and he is quite innocent and has not committed any offence.

6. Learned APP for the State has vehemently opposed the prayer of the petitioner.

7. From perusal of the materials available on record, enough evidence has come to connect the petitioner with the alleged crime.

8. The cognizance order cannot be quashed at the mere asking of the petitioner.

9. Accordingly, this application is dismissed with liberty to the petitioner to raise all the grounds at the time of framing of charge.

10. The Court below is directed to expedite the trial of the petitioner.

11. The S.H.O. Sherghati will try to get the trial expedited.

(Sandeep Kumar, J)

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