

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.933 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BARAULI District- Gopalganj

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1. Basdeo Pandit @ Vasudev Pandit S/O Rudal Pandit, Resident of village-Sisai, P.S.- Barauli, District- Gopalganj.
 2. Vikash Pandit S/O Basdeo Pandit @ Vasudev Pandit, Resident of village-Sisai, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The Director General of Police Bihar, Patna.
4. The Superintendent of Police, Gopalganj.
5. The Sub Divisional Police Officer, Gopalganj.
6. The S.H.O Barauli Police Station, District- Gopalganj.
7. Sinki Kumari D/o Devendra Singh, Resident of Village- Bhadkuiya, P.S.- Barauli District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2023 Learned counsel for the petitioners submits that due to inadvertence, the year of the case has wrongly been typed as 2020 instead of 2022, therefore, he seeks permission to correct the same.

Permission granted.

Counsel for the petitioners is directed to correct the same in course of the day.

Heard learned counsel for the petitioners and learned



counsel for the State.

The present Cr. Writ Petition has been filed for quashing of F.I.R. bearing Barauli P.S. Case No. 46 of 2022 registered on 02.02.2022 under Sections 341, 323, 354(A)/ 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there were three named accused in the F.I.R. including the petitioners. He is taking plea that petitioner no.1 was convicted and after cancellation of bail bond he has been taken into custody prior to date of occurrence dated 31.01.2022, hence, the allegation that he was present on the date of occurrence is out and out false. He further submits that so far as the petitioner No. 2 is concerned, on the said date of occurrence he has appeared in the examination and in support he has attached the admit card as well as result of passing of petitioner No. 2 and submits that in the admit card the date of occurrence is mentioned.

In the opinion of the Court, on these grounds of alibi the F.I.R. cannot be quashed and State is directed to complete the investigation and submit final report under Section 173(2) of Cr.P.C.

Accordingly, this Court is not inclined to quash the F.I.R. but only liberty granted to the petitioners that till filing of



final report under Section 173 (2) of Cr.P.C. no coercive step shall be taken against the petitioners in connection with Barauli P.S. Case No. 46 of 2022.

With this observation, the present Cr. Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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