

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.958 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District-

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Bittu Kumar @ Bittu Tiwari @ Bittu Kumar Tiwari Son of Dharmdev Tiwari
Resident of Village - Chakaniya, P.s.- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal secretary, Department of Home, Govt. of Bihar, Patna.
3. The Distt. Magistrate, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Station Head Officer, Pipra P.S, Distt.- East Champaran, Motihari.
6. Satish Kumar Tiwari Son of Ram Naresh Tiwari Resident of Village - Chakaniya, P.s.- Pipra, Distt.- East Champaran.
7. Sita Devi W/o Tribhuwan Tiwari Resident of Village - Chakaniya, P.s.- Pipra, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 02-05-2023

Learned counsel for the petitioner is directed to remove all the defect(s) as pointed out by the Office within two months from today.

Learned counsel for the petitioner and learned counsel for the State present.

The present criminal writ application has been filed for quashing of the F.I.R. of Pipra P.S. Case No. 14 of 2022 dated 13.01.2022 lodged under Sections 341, 323, 324, 325,

307, 447, 448, 379, 427, 504, 506 & 34 of the I.P.C. read with Section 27 of the Arms Act as well as Pipra P.S. Case No. 16 of 2022 lodged under Sections 341, 323, 324, 307, 447, 448, 354(B), 379, 504, 506 & 34 of the I.P.C.

Counsel for the State submits that counter affidavit has been filed in this case. In the said counter affidavit, final form has been submitted in Pipra P.S. Case No. 16 of 2022. He submits that accordingly order may be passed.

Counsel for the petitioner submits that there were two criminal cases, namely, Pipra P.S. Case No. 14 of 2022 and Pipra P.S. Case No. 16 of 2022.

Counsel for the State submits that in one case *i.e.* Pipra P.S. Case No. 16 of 2022, final form has been submitted but in Pipra P.S. Case No. 14 of 2022, investigation is going on.

Upon hearing the parties and going through the records of the case, it transpires to this Court that Pipra P.S. Case No. 14 of 2022 was filed by the police, whereas Pipra P.S. Case No. 16 of 2022 was filed by one informant, namely, Sita Devi. It also transpires that the present petitioner has filed another F.I.R. *i.e.* Pipra P.S. Case No. 15 of 2022 against the husband of the said informant who filed Pipra P.S. Case No. 16 of 2022. It also transpires to the Court that for the occurrence of

same date *i.e.* 13.01.2022, there were three criminal cases *i.e.* Pipra P.S. Case No. 14 of 2022, Pipra P.S. Case No. 15 of 2022 and Pipra P.S. Case No. 16 of 2022. In one case, police has filed final form.

Counsel for the State through investigating agency has been directed to do the needful, so that all three cases for the same occurrence shall not be left.

Liberty is hereby granted to the informant that he may file protest petition in accordance with the provisions of Cr.P.C. At this juncture, this Court is not ready to apply its mind on the merit of the case.

Accordingly, the present criminal writ application stands dismissed.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	