

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45501 of 2015

Arising Out of PS. Case No.-139 Year-2007 Thana- BHOJPUR COMPLAINT CASE District- Bhojpur

1. Ratneshwar Thakur and Ors son of Late Shobha Nand Thakur resident of Village - Sahpur, P.S. - Bhaptiyahi, District - Supaul at relevant time posted as Police Inspector, Bihiya Circle, Ara.
2. Pawan Kumar son of Sri Chandeshwar Gop resident of Village - Sarkanda, P.S. - Govindpur, District - Nawada at relevant time posted as Officer-in-Charge, Bihiya P.S., Ara.
3. Anil Kumar son of Sri Ram Kapri resident of Village - Karari, P.S. - Baunsi, District - Banka at relevant time posted as Officer-in-Charge, Sahpur P.S., Ara.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Babban Rabani son of Late Ramji Prasad Rabani Resident of Village - Maruti Nagar, P.S. - Ara Nagar, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur Mr.Vaishnavi Singh
For the Opposite Party/s :		Mr.Md.Sufiyan Md.Ataul Haque Md.Shadab Alam Wazdi

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
C.A.V. ORDER

4 27-09-2023 This application has been filed for quashing the order dated 09.07.2015 passed in Sessions Trial No. 9 of 2015, whereby the petition filed by the petitioners under section 227 Cr. P.C. for not framing of charge against them for the offences under sections 341, 323, 504 and 395/34 of the Indian Penal Code, has been rejected.



At the threshold, learned counsel for the petitioners submits that the entire prosecution is vitiated as no prior sanction was obtained before proceeding against the petitioners who are public servant. Petitioners went to the house of the complainant in discharge of their official duty to conduct raid in course of investigation in connection with Sahpur P.S. Case No. 20 of 2007. Learned counsel further submits that in course of investigation co-accused Yogendra Yadav confessed about involvement of Surendra Yadav son of the present complainant and also gave details of the motorcycle on which the accused persons had come to commit the crime in question. On basis of the same, the house of the son of the present complainant was raided and from his house the motorcycle in question was recovered. The complainant in order to put pressure on the police officials has lodged the present false case.

Learned counsel appearing for the opposite party no.2 submits that the acts committed by the petitioner does not come within official duty and they have abused the power.

Considering the submissions advanced on behalf of the parties and the fact that no prior sanction was obtained, the order dated 09.07.2015 passed by 8th Adhoc Additional Sessions Judge, Bhojpur at Ara in Sessions Trial No. 9 of 2015 arising



out of Complaint Case No. 139C of 2007 is, hereby quashed.
The application stands allowed.

(Arvind Srivastava, J)

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