

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8716 of 2022

Arising Out of PS. Case No.-192 Year-2012 Thana- BARUN District- Aurangabad

1. SHANTI DEVI @ SHANTI W/o Sita Ram Resident of Village - Shihuli Khaira, P.s.- Rafiganj, Distt.- Aurangabad.
2. Udit Ram Son of Sita Ram Resident of Village - Shihuli Khaira, P.s.- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar , Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-03-2024 Heard learned counsel for the parties.

2. This is an application for quashing the order dated 15.03.2021 passed by learned CJM, Aurangabad in Barun P . S. Case No. 192 of 2021 , whereby and whereunder the learned court below has taking cognizance under Sections 302, 328 and 34 of I. P . C .

3 . The petitioners seek quashing of the F.I.R. on the basis of the affidavit evidence, which is not permissible in law in view of the law laid down by the Hon'ble Supreme Court in the case of *State of Bihar vs P.P. Sharma 1992 Supp (1) SCC 222*.

4. Accordingly, this quashing application is dismissed



with liberty to the petitioners to raise all the grounds at an appropriate stage, if charge-sheet is submitted against the petitioners.

(Prabhat Kumar Singh, J)

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