

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16946 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- RAJGIR District- Nalanda

Surendra Prasad @ Surendra Prasad Mishra @ Sulendra Prasad Mishra Son of Ramanand Mishra @ Ringan Ji Resident of Village- Sare, P.S.- Sare, Dist.- Nalanda, At Present- Post - Nagdah Begusarai, Near 50 Number Railway Gumti, Pachhiyari Tola, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Nagendra Singh Resident of village- Basar, Police Station- Atari, District- Gaya, At Present - C/o vishalchand Kumar, Resident of Ashok Nagar, Sabalpur Road, Rajgir, P.S.- Rajgir, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.
For the State : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-08-2024 Heard learned counsel for the parties.

2. The petitioner has prayed for quashing of FIR of Rajgir P.S. Case No. 324 of 2023 dated 01.07.2023 registered under Sections 420, 406, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, one Rakesh Kumar filed a complaint bearing Complaint Case No. 121 C of 2023 on 06.02.2023 before learned Chief Judicial Magistrate, Nalanda under Sections 420, 406, 504 and 506 of the Indian Penal Code against the petitioner.

4. The petitioner wants quashing of this FIR on the basis of affidavit evidence which is not permissible in view of



law laid down by the Hon’ble Supreme Court in the case of State of Bihar vs. P.P. Sharma reported in *AIR 1991 SC 1260*.

5. This application is dismissed.

6. The petitioner is given liberty to approach the Superintendent of Police, Nalanda with his defence and if such an application is filed, the same shall be considered before any final decision is taken about filing the charge-sheet/final form against the petitioner and other co-accused.

7. Let a copy of this order be communicated to the Superintendent of Police, Nalanda, through FAX/e-mail for its compliance forthwith.

(Sandeep Kumar, J)

Arish/-

U		T	
---	--	---	--

