

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26559 of 2023

Arising Out of PS. Case No.-1024 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. Dina Nath Sah Son of Yamuna Sah Resident of village - Siswa Bhaniyara, Police Station - Banjariya, District - East Champaran
 2. Rakesh Kumar @ Rakesh Sah Son of Dina Nath Sah Resident of village - Siswa Bhaniyara, Police Station - Banjariya, District - East Champaran
 3. Santosh Kumar Son of Sonalal Thakur Resident of village - Siswa Bhaniyara, Police Station - Banjariya, District - East Champaran
 4. Rajnish Kumar @ Rajnish Prasad Son of Thakur Prasad Resident of village - Siswa Bhaniyara, Police Station - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashutosh Kumar Son of Late Dhanushdhari Mahto Posted as Fertilizer Inspector Banjariya cum Block Agriculture officer, Piprakothi, Police Station - Banjariya, District - East Champaran, Resident of village - Barbigi, Post - Hussaina, District - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anant Kumar Mishra, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-07-2024 Heard the parties.

2. The present application has been filed for quashing the FIR vide Turkauliya (Banjariya) P.S. Case No. 1024 of 2021 registered for the offences punishable under Sections 341, 323, 353 and 504/34 of the Indian Penal Code and Section 7(i)(a)(II) of the Essential Commodities Act.

3. The petitioners were found involved in black marketing of fertilizer when they along with 50 unknown



persons tried to assault the informant and create hindrance in discharge of official duty.

4. From reading of the F.I.R., it appears that *prima facie* case is made out against the petitioners, therefore, the F.I.R. cannot be quashed.

5. Considering the aforesaid facts and also the law laid down by the Hon’ble Supreme Court in the case of **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others** reported in **(2020) 10 SCC 118**, this application is dismissed with liberty to the petitioners to raise all the grounds at an appropriate stage.

(Sandeep Kumar, J)

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