

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28528 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- PUPRI District- Sitamarhi

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1. Ram Sajjan Chaudhary Son of Late Ram Padarath Chaudhary Resident of Village- Barri Behta, P.S.- Choraut, District- Sitamarhi at present residing at- M/1017, Sudamdih New Miners Colony Near Kali Mandir, Chelyagi, P.S.- Dhanbad, District- Dhanbad (Jharkhand)
 2. Dilip Kumar Chaudhary @ Deepak Kumar Choudhary Son of Ram Sajjan Choudhary Resident of Village- Barri Behta, P.S.- Choraut, District- Sitamarhi at present residing at- M/1017, Sudamdih New Miners Colony Near Kali Mandir, Chelyagi, P.S.- Dhanbad, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajesh Kumar @ Prem Shankar Prasad Son of Late Saryug Prasad Resident of Mohalla- Jaidpur Nagar Parishad, Janakpur Road, Ward No. 8, P.S.- Pupri, District- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary
Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-07-2024 Heard the parties.

2. The present application has been filed for quashing the F.I.R. i.e., Pupri P.S. Case No. 29 of 2024 instituted under Ssections 467/468/471/420 and 34 of the Indian Penal Code and the entire criminal proceeding arising out of present case pending in the Court of Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi.

3. From reading of the F.I.R, it appears that the offences are made out.



4. In view of the law laid down by the Hon’ble Supreme Court in the case *M/S Neeharika, Infrastructure Pvt. vs The State of Maharashtra* reported *in (2020) 10 SCC 118*, I am of the view that no case for quashing the aforementioned F.I.R. is made out. Accordingly, this application is dismissed.

5. The petitioner is permitted to approach the Superintendent of Police, Sitamarhi with his defence and if such an application is filed by the petitioner, the Superintendent of Police, Sitamarhi shall direct the Investigating Officer of the case to examine the defence of the petitioner before the submission of chargesheet/final form.

(Sandeep Kumar, J)

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