

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29862 of 2023

Arising Out of PS. Case No.-19 Year-2017 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Birendra Prasad Singh Son Of Chandrabansh Narayan Singh Village Nasirna,
Ps Kurtha (Op Manikpur) District Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dharmendra Kumar Na The Then In-Charge Of Manikpur O.P. Ps- Kurtha
Distt- Arwal
3. Jai Govind Prasad Na The Then Asi Of Manikpur O.P. Ps- Kurtha, Distt-
Arwal
4. Jitendra Prasad Singh Na The Then Asi Manikpur O.P., Ps- Kurtha, Distt-
Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-10-2024 Heard the learned counsel for the petitioner and the

learned APP for the State.

2. This application has been filed on behalf of the
petitioner for quashing of the order dated 26.05.2022 passed by
the learned Judicial Magistrate, 1st Class, Arwal in Complaint
Case No. 19 of 2017 by which complaint filed by the petitioner
was dismissed under Section 203 of the Cr.P.C. by holding that
evidence of enquiry witnesses appears suspicious and false.

3. The brief fact of the case is that the petitioner
instituted a complaint case against the O.P. No. 02, 03 and 04



alleging that petitioner/complainant was standing at the main market, Manikpur and all of sudden, O.P. No. 02, 03 and 04 came there and started abusing him and ordered to take the petitioner to the police station as he was demanding Rs. 28,300/- from them which was taken by the accused to lighten the case being Manikpur P.S. Case No. 11 of 2017. All the accused persons assaulted the complainant with fists and slaps and locked up for six hours and lastly released him on PR Bond but did not return the money. The petitioner/complainant next alleges that the accused of Kurtha (Manikpur) P.S. Case No. 11 of 2017 went to purchase article for marriage at Kurtha market and in that course they went to saloon for shaving from where they were arrested and Rs. 28,300/- was snatched from him and they were threatened for false implication if they demanded money.

4. It has been submitted by the learned counsel for the petitioner that on the basis of the complaint, Complaint Case No. 19 of 2017 for the offences under Sections 323, 166A, 166B, 504/34 of the Indian Penal Code has been instituted. The complainant was examined on S.A. and three enquiry witnesses under Section 202 of the Cr.P.C. were examined who all supported the complaint case. It is further submitted that from



perusal of the evidence of enquiry witness, it is apparent that all the enquiry witness stated that when petitioner/complainant demanded Rs. 28,000/- which was taken from accused of Kurtha P.S. Case No. 11 of 2017 then he was locked in the lockup and later on released on PR Bond.

5. Learned APP for the State has vehemently opposed the prayer of the petitioner and has submitted that the court below has rightly dismissed the complaint filed by the petitioner as evidence of enquiry witnesses appears to be suspicious and false.

6. Considering the facts and circumstances of the case, this Court do not find any merit in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is hereby dismissed.

(Chandra Prakash Singh, J)

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