

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57525 of 2017

Arising Out of PS. Case No.-90 Year-2014 Thana- SAMASTIPUR District- Samastipur

Sanjeev Kumar Singh S/o Shiv Shankar Singh, R/o Village- Araout, P.S.-
Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Manoj Shravan, S/o Late Sadhu Saran Prasad Sinha, R/o Village- Mashar,
P.S.- Parsa, District- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-01-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned APP Mr. Chandra Bhushan Prasad
submits that the counter affidavit has been filed on behalf of the
O.P. No.1. The same is on record.

3. The learned counsel for the petitioner submits that
the present quashing application has been filed seeking quashig
of the order dated 27.09.2016 passed by the learned C.J.M.,
Samastipur in Town P.S. Case No.90/2014, whereby cognizance
of offence under Sections 341, 353, 504 and 34 of the Indian
Penal Code has been taken. The learned counsel next submits
that by order dated 27.09.2016 passed by the learned C.J.M.,



Samastipur cognizance was taken against 12 accused persons but then in the present quashing application the petitioner has challenged the order of cognizance to the extent it affects him. It is next submitted that the stage of case from the stage of cognizance till date has not changed and the petitioner has been falsely implicated in the present case merely for the reason that the vehicle was parked near the gate of the Collectorate, it is further submitted that the petitioner was not even present at the place of occurrence and at the relevant time he was a Press Reporter in daily Hindi newspaper Hindustan and presently is Editor of a Hindi magazine named Aina. It is further submitted that the allegation in the F.I.R. is of parking 12 vehicles in no parking zone near the gate of Collectorate at the time of filing nomination for 23-Samastipur General Parliamentary Election, which resulted in traffic jam and gave rise to the law and order problem, resulting in the instant F.I.R.

4. The learned counsel next submits that from perusal of the allegation, it would manifest that the petitioner was not even present at the place of occurrence and he came to be implicated since his car was found parked near the gate of the Collectorate. It is next submitted that petitioner being owner of the car has been implicated when it was the driver of the vehicle



who was at fault.

5. The learned APP opposes the quashing application.

6. Considering the submissions and in the nature of allegation as alleged in the F.I.R., the order dated 27.09.2016 passed by the learned C.J.M., Samastipur in Town P.S. Case No.90/2014, whereby cognizance of offence under Sections 341, 353, 504 and 34 of the Indian Penal Code has been taken is hereby quashed.

7. It is made clear that the cognizance order has been quashed only with respect to the petitioner herein and not with respect to other accused persons.

(Satyavrat Verma, J)

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