

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37328 of 2024

Arising Out of PS. Case No.-831 Year-2019 Thana- SASARAM NAGAR District- Rohtas

Shamim Alam Son of Laik Ahmed R/O Mohalla- Kajipur, Shahjalalpir, P.S.-
Sasaram Town, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ataul Haque, Adv

For the Opposite Party/s : Md. Aslam Ansari, APP

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

ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application has been filed for quashing the order dated 10.11.2022 passed by the learned Judicial Magistrate, Sasaram at Rohtas in Sasaram P.S. Case No. 831 of 2019 whereby and where under the cognizance has been taken against the petitioner u/s 147, 148, 149, 342, 302 and 120B of the I.P.C., and Section 27 of the Arms Act.

3. As per the prosecution case, on 19.09.2019 the informant along with his father, namely, Rajkumar Choudhary went for morning walk at around 5:30 A.M., in the meantime



the petitioner and the co-accused persons surrounded the father of the informant on the point of pistol and started assaulting him with lathi and danda causing grievous injuries. Further, local people took him to Sadar Hospital for treatment where the doctor referred him to B.H.U., but his father died on the way.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on the baseless ground. There is no specific allegation against the petitioner. It is further submitted that no independent witnesses disclosed the name of the petitioner in this case. The charge sheet no. 485/2022 dated 10.07.2022 against the petitioner u/s 147, 148, 149, 342, 302 and 120B of the I.P.C., and 27 of the Arms Act has already been submitted.

5. learned APP for the State has opposed the quashing application of the petitioner by submitting that the court below has rightly taken the cognizance of the offences against the petitioner u/s 147, 148, 149, 342, 302 and 120B of the I.P.C., and Section 27 of the Arms Act.

6. Considering the facts and circumstances of the case as well as the reasons discussed above, this court do not find any merit to interfere with the impugned order of learned Court below.



7. Accordingly, the present quashing application is
dismissed.

(Chandra Prakash Singh, J)

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