

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39671 of 2024

Arising Out of PS. Case No.-1074 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. Vikash Singh @ Vikas Kumar @ Bikas Kumar @ Bikash Singh Son of Late Bhupendra Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea
2. Bikram Kumar @ Vikram Singh @ Rishu Son of Late Bhupendra Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea
3. Chandra Shekhar Singh @ Vikky Son of Late Bhupendra Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea
4. Nikesh Singh @ Nikesh Kumar Singh @ Barku Son of Late Shambhu Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea
5. Vikash Kumar Singh @ Chotku Son of Late Shambhu Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea
6. Anjani Kumar Singh Son of Ramesh Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Narendra Kumar Singh Son of Late Jagnath Singh R/O Mohalla.- Tatma Toli, Gokul Singh, Thakurbari Road, Bhatha Bazar, P.S.- K. Hat(Sahayak), Dist.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Ranjan Kumar, Adv
For the Informant	:	Mr. N.N. Agrawal, Sr. Adv
	:	Mr. Bidhu Ranjan, Adv
	:	Mr. Kumar, Rajdeep, Adv
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH



ORAL ORDER

5 10-12-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application has been filed for quashing of the order dated 12.02.2024 passed by the learned 2nd Additional Sessions Judge, Purnea by which the petition filed by the petitioners U/s 227 of the Cr.P.C. in S. T. No. 532 of 2023/Registration No. 532 of 2023 arising out of K. Hat Sahayak P.S. Case No. 1074 of 2021 was rejected.

3. As per the prosecution case, on 13.11.2021 at about 09 A.M., the informant saw one brick loaded truck was parked in front of his house then he told to park the truck at other place. The F.I.R. named accused persons Vikash Singh, Chandra Shekhar Singh @ Vikky and Vikram Singh @ Rishu came there and started shouting upon the informant. In the meantime, Vikash Singh started assaulting the informant with fist and slap and when his son, Nayan Kumar Singh came there to save the informant, accused Vikash Singh and Chandra Shekhar Singh assaulted the son of the informant causing head injury. Vikram Singh assaulted the son of the informant with fist and snatched golden chain from him.

4. Learned counsel for the petitioners has submitted that both the informant and the petitioners are next door



neighbours and the informant is the own uncle of the petitioners.

5. Learned APP for the State as well as the learned counsel for the informant have opposed the quashing application of the petitioners by submitting that the police found the involvement of the accused petitioners in this case and submitted charge sheet under Sections 341, 323, 337, 308, 504, 506/34 of the Indian Penal Code and the Court below took cognizance of the offences under Sections 341, 323, 447, 307, 379, 506/37 of the Indian Penal Code. They have further submitted that the injured was repeatedly hit on the head with brick by the accused persons due to which he suffered wound on his head.

6. From perusal of the impugned order, it is clear that the doctor found wounds on his head and body which were caused by hard blunt substance. No external wounds were found on his body, but he complained about the pain in his body. In course of investigation, the police found that the occurrence can be seen at the CCTV footage installed near the place of occurrence and the accused petitioners were seen committing the occurrence.

7. Considering the above facts and circumstances of the case, as well as law laid down by the Apex Court in the



cases of **P.Vijayan Vs. State of Keral (2010) 2 SCC 398** and **M.E. Shivalinga Murty vs CBI (2020) 2 SCC 768**, this Court do not find it safe to invoke the extraordinary inherent jurisdiction of the Court under Section 482 of the Cr.P.C. to quash the order.

8. Accordingly, the present quashing application is rejected.

(Chandra Prakash Singh, J)

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