

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43163 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- RAJAPAKAR District- Vaishali

1. Surendra Rai @ Surendra Kumar Singh Son of Ramanand Rai Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.
2. Sujit Rai @ Sujit Kumar Son of Ramanand Rai Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.
3. Ramanand Rai Son of Shivalak Rai Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.
4. Ramnath Rai Son of Basdev Rai Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.
5. Saurav Kumar @ Kallu Rai Son of Ramesh Rai Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.
6. Hasina Khatun Daughter of Maustim Mian Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Gopal Singh Son of Ram Swarup Singh Resident of village - Bakarpur, P.O. and P.S.- Rajapakar, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Aditya
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor appearing on behalf of the State.

2. The present application has been filed for quashing
the F.I.R. bearing Rajapakar P.S. Case No. 221 of 2023
registered for the offences punishable under Sections
147/148/341/323/324/325/308/379/354/326/149 and 504 of the
Indian Penal Code.



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

4. 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 petitioners are permitted to approach the Superintendent of Police, Vaishali with their defence and if such an application is filed by the petitioners, the Superintendent of Police, Vaishali shall direct the Investigating Officer of the case to examine the defence of the petitioners before the submission of chargesheet/final form.

(Sandeep Kumar, J)

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