

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38968 of 2023**

Arising Out of PS. Case No.-114 Year-2020 Thana- BENIPATTI District- Madhubani

1. HASAN ASGAR @ HASAN ASGHAR Son of Asgar Ali Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
2. Qobad Asgar @ Kobad Asghar Son of Asgar Ali Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
3. Shawa Asgar @ Saba Asghar Son of Asgar Ali Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
4. Husain Asgar @ Husain Asghar Son of Asgar Ali Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
5. Abdul Khair Makki @ Abul Khari Son of Late Anbarul Haque Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
6. Hamid Anwar Son of Abul Khair @ Makki Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
7. Tariq Anwar @ Tarique Anwar @ Tarique Awar Son of Abul Khair @ Makki Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
8. Talha Aziz Son of Abdul Aziz Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
9. Aatif Aziz @ Atif Aziz Son of Abdul Aziz Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.
10. Md. Arman @ Arman Ahmad Son of Muntasir Ahmad Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Abdul Nasir Son of Late Mahmudul Hasan Resident of village - Nazra, P.S.- Benipatti, District - Madhubani.

... .. Opposite Party/s

**Appearance :**

|                            |   |                         |
|----------------------------|---|-------------------------|
| For the Petitioner/s       | : | Mr.Ravi Prakash         |
|                            |   | Mr. Gagan Deo Yadav     |
|                            |   | Mr. Udeshya Kumar Yadav |
| For the Opposite Party/s : |   | Mr.Narsingh Tanti       |

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

ORAL ORDER

2      18-11-2024      Heard learned counsel for the petitioners and learned  
APP for the State.



2. This application has been filed for quashing the order dated 22.05.2023 passed by the learned Session Judge, Madhubani in S.T. No. 85 of 2022 arising out of Benipatti P.S. Case No. 114 of 2020 dated 27.05.2020 for alleged offence/s and registered under sections 447, 341, 323, 324, 307, 379, 504 read with section 34 of the Indian Penal Code whereby and whereunder discharge petition under section 227 of the Cr. P.C. filed by the petitioners has been rejected.

3. As per the prosecution case, the petitioners and the co-accused persons armed with various lethal weapons came and started abusing and assaulting the informant and other. Earlier, the accused persons also assaulted the informant and other for which FIR bearing no. 86 of 2020 was filed before Benipatti Police Station. The accused Tarique Anwar snatched Rs. 3800 from the pocket of Abdul Nasir.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that the occurrence took place on 24.05.2022 and the FIR has been lodged on 27.05.2022. It is further submitted that from perusal of the injury report itself, it will be evident that the injuries are manufactured. It is further submitted that there are vital contradictions in the statement of the



witnesses examined during the investigation.

5. Learned counsel for the O.P. No. 2 as well as learned APP for the State has vehemently opposed the quashing application of the petitioners by submitting that the petition filed by the accused-petitioners is not maintainable either in law or on fact. There is ample evidence in the case diary and sufficient material available on record to frame charge. The petitioners have filed this petition only to delay the disposal of the case. There is no any merit in the petition filed by the accused persons.

6. Considering the above facts and circumstances of the case, 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 said impugned order.

7. Accordingly, the present quashing application is dismissed.

**(Chandra Prakash Singh, J)**

guddukr/-

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