

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49381 of 2023

Arising Out of PS. Case No.-70 Year-2011 Thana- BIDUPUR District- Vaishali

KANHAIYA LAL YADAV @ SUDHIR KUMAR Son of Harendra Prasad
Singh Resident of village - Majhauri, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Pramila Devi Wife of Ram Dayal Rai Resident of village - Naya Tola Pakari,
P.S. - Bidupur, Distt. - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 22-08-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the FIR being Bidupur P.S. Case No. 70 of 2011 registered for the offence under Section 366/34 of the Indian Penal Code.

3. For the death of one Neetu Kumari, two FIRs have been registered. The first FIR is Bidupur P.S. Case No. 53 of 2011 and the second FIR is Bidupur P.S. Case No. 70 of 2011.

4. Learned counsel for the petitioner submits that subsequent FIR for the death of Neetu Kumari may not proceed and in this regard, the law is well settled that for the same occurrence, second FIR is not maintainable.



5. Considering the submission of the learned counsel for the petitioner, this Court is of the view that if the accused persons are different and as per the FIR, the occurrence is different then both the FIRs are maintainable. The cases shall be tried by the same Court and the trial Court will decide which version is correct.

6. In these circumstances, no case for quashing is made out.

7. Accordingly, this application is dismissed. Both the cases shall be tried together.

8. It is expected that the investigation is completed by the police in the present case also at the earliest so that both the cases are disposed of by the trial Court together.

(Sandeep Kumar, J)

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