

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61744 of 2021

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHILA P.S. District- Patna

PANKAJ KUMAR Son of Late Dwarka Prasad Sah Resident of Choti Pahari,
Agam Kuan, P.S. - Agam Kuan, District Patna (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhuri Devi W/o Late Ram Anugrah Narayan Singh R/o Lakhibagh
Manpur, P.S.- Manpur, Distt- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Saket Gupta
For the Opposite Party/s :	Mr.Pawan Kumar Chaurasia
	Ms. Priyam Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 26-04-2024 1. Heard learned counsel for the petitioner and

learned APP along with learned counsel appearing on behalf of

the OP No. 2, Ms. Priyam Kumari.

2. The learned counsel for the petitioner submits that

the case was earlier taken up on 20-12-2023 and the submission

of the petitioner was recorded in detail and thereafter the learned

APP was directed to file a counter-affidavit duly sworn by the

SSP, Patna and the SSP, Patna was directed to clearly plead in

the counter-affidavit that as to what materials transpired during

the course of investigation connecting the petitioner with the

offence.

3. It is next submitted that in compliance of the order



dated 20-12-2023, a counter-affidavit was filed on behalf of the SSP, Patna and based on the pleadings made in the counter-affidavit, it was submitted on behalf of the petitioner that the counter-affidavit does not even remotely suggest that during the course of investigation any materials transpired connecting the petitioner with the offence except the allegation of the informant and her statement recorded before the police under Section 164 Cr.P.C. It is also submitted that once an FIR has been instituted and that too of a serious offence, it becomes the bounden duty of the police to ensure a fair investigation and not to rely completely on the statement of the prosecutrix recorded under Sections 161 and 164 Cr.P.C.

4. The learned counsel for the petitioner thus submits that the case thereafter was taken up on 19-04-2024 when again a detailed order was recorded, when the learned counsel appearing on behalf of the informant sought time to seek instruction in the matter.

5. Today when the case is taken up, the learned counsel appearing on behalf of the informant, Ms. Priyam Kumari, submits that she has instructions to make submissions not to oppose the quashing application and the informant will have no objection in the event if the instant application is



allowed.

6. In view of the specific stand taken by the informant, the order dated 5-4-2021, passed in Sessions case No. 72 of 2021, arising out of Mahila PS Case No. 103 of 2019, whereby the learned Additional District And Sessions Judge -1 dismissed the discharge application filed on behalf of the petitioner under Section 227 of the Cr.P.C is hereby quashed.

7. Accordingly, the instant quashing application is allowed only with respect to the petitioner.

(Satyavrat Verma, J)

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