

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59854 of 2024

Arising Out of PS. Case No.-178 Year-2020 Thana- SARAI District- Vaishali

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Md. Irfan Khan @ Irfan Khan S/o Late Anamul Haq Khan Resident of
Village-Maricha Ram, PS- Sarai, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Apurv Harsh, Advocate
		Mr. Navjot Yesu, Advocate
		Mr. Manu Tripurari, Advocate
		Mr. Raghu Raj Pratap, Advocate
		Mr. Hritik Anand, Advocate
For the State	:	Mr.Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-09-2024 Heard the parties.

2. The petitioner has prayed for quashing of Sarai P.S.
Case No. 178 of 2020 dated 05.08.2020 passed by the
Additional Chief Judicial Magistrate-16, Vaishali at Hajipur for
the offences punishable under Sections 302 and 120B/34 of the
Indian Penal Code.

3. As per the prosecution case, on 04.08.2020 the
informant, Wasim Alam was returning to his home from
Pachauli Tent House on a motorcycle and his brother namely,



Nasir Alam along with a co-villager Jawed Khan were coming on another motorcycle. It is alleged that at around 07:45 PM upon reaching the doorstep of one Rizwan Khan, several persons along with the instant petitioner who are named in the FIR stopped the motorcycle of the brother of the informant and surrounded them with weapons and Md. Mustafa Ansari instructed to finish them off. Thereupon, it is further alleged that Md. Rizwan Khan assaulted with an arc upon the brother of the informant and Md. Samin and Md. Wasim assaulted the brother of the informant and Jawed Khan with sword and knife. Yasin Praveen brought the gupti from her house and handed it to Sabir Ansari to kill both of them upon which Sabir assaulted Nasir and Jawed. Thereafter, it is alleged that Baduruddin Ansari and Irfan Khan chopped and attacked with gupti and arc. It is lastly alleged that Jawed Khan died on the spot while Nasir Alam died on way to the hospital.

4. The petitioner wants his defence to be considered by this Court which has been brought by way of an affidavit for quashing the FIR but the same cannot be considered by this Court in view of the law laid down by the Hon'ble Supreme Court in the case of *State of Bihar vs. P.P. Sharma* reported in *1992 Supp (1) SCC 222*.



5. In view of the above, this application stands dismissed.

(Sandeep Kumar, J)

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