

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58002 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- KOTWALI District- Patna

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1. Gaurav Prakash @ Gourab Prakash S/O Sri Anant Prakash R/O A/40, Housing Colony, Kankarbagh, P.S- Kankarbagh, Distt.- Patna.
 2. Manish Kumar @ Manish Singh S/O Late Bhola Nath Singh R/O A/40, Housing Colony, Kankarbagh, P.S- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Kumar Gupta C/O Mishel Kumar, Director, Kraft Outdoor Media Private Limited, at 5th Floor, Abhay Bhawan Fraser Road, Patna- 01, R/O At plus Post and P.S- Korhaa, Distt.- Katihar, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate
For the State : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-08-2024 Heard the parties.

2. The petitioners are tenants and they are into litigation with the opposite party no. 2, who is the landlord.

3. As per the prosecution case, the informant stated in its FIR that on 16.05.2022, when he was standing near Hotel Shashi Arced suddenly, the petitioners came in an Innova car and forcibly took the informant and his friend into the said car. On raising alarm, the local public gathered. It has also been alleged that the petitioners and two other persons have assaulted the informant and his friend and also hurled abuses. It has also been stated that the entire incident has been recorded in the



CCTV camera.

4. This Court in quashing jurisdiction will not interfere in the FIR considering the defence of the petitioner 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. An FIR cannot be quashed on the basis of affidavited evidence.

6. In view of the above, this application is dismissed.

(Sandeep Kumar, J)

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