

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63848 of 2024

Arising Out of PS. Case No.-11 Year-2022 Thana- VIGILANCE District- Patna

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Arun Kumar Son of Late Brajnandan Prasad Resident of New Bypass Road,
Near Telephone Exchange, Anishabad, P.S.- Beur, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganesh Kumar Son of Lalan Prasad Sharma R/O R.M.S. Colony, P.S.-
Kankarbagh, P.O.- Lohiyanagar, Dist.- Patna- 800020, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the S.V.U.	:	Mr. Rana Vikram Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-09-2024 Heard learned counsel for the parties.

2. The present application has been filed for quashing the F.I.R. of S.V.U. P.S. Case No. 11 of 2022 as well as the cognizance order dated 16.09.2023, arising out of the aforementioned F.I.R. passed by learned Chief Court of Special Judge, Vigilance, Patna.

3. As per the prosecution case, the petitioner is alleged to have demanded Rs. 1,00,000/- as a bribe from the informant for some construction work in Gaya which has been recorded by the informant on tape.

4. Learned counsel for the petitioner submits that he was not present at the spot and the allegation levelled against



him for demand of bribe are false and fabricated.

5. The petitioner wants this Court to see his defence as mentioned in the affidavit which is not permissible in law. The Hon'ble Supreme Court in the case of *State of Bihar vs. P.P. Sharma, 1992 Supp (1) SCC 222* has held that affidavit evidence cannot be examine at the stage of quashing of the F.I.R.

6. Accordingly, this application is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge. If any discharge application is filed, the same shall be considered by the trial court in detail in view of the law laid down by Hon'ble Supreme Court in the case of *Kanchan Kumar vs. State of Bihar (2022) 9 SCC 577*.

(Sandeep Kumar, J)

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