

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64422 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- GAURICHAK District- Patna

Durganandan Patel @ Durganand Patel S/o Suresh Patel @ Suresh Raut R/o-
Nirandanpur, Lakhaniya Bagicha, Chhoti Pahadi, P.S- Bypass, Distt- Patna
... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Singh S/o Late Ramkripal Singh R/o vill - Aniyan, P.S. -
Gaurichak, Distt. - Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the State : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for quashing
of Gaurichak P.S. Case No. 89 of 2023 under Sections 147,
148, 149, 341, 323, 307, 504 and 506/34 of the Indian Penal
Code and Section 27 of the Arms Act, lodged by the opposite
party no. 2 against the petitioner and other four named accused
persons.

3. The prosecution case in brief is that on 08.02.2023
at 07:00AM, when the informant, Jitendra Kumar Singh went to
see his onion field, there he found Sugandh Kumar, Durganand
Patel (instant petitioner), Arvind Kumar, Rakesh Kumar, Manoj
Kumar along with ten unknown persons were present and all of
whom were armed. It is alleged that the accused Sugandh



Kumar ordered to shoot the informant and then the petitioner fired upon the informant but he luckily escaped but one bystander namely Awdesh Sharma who was standing behind the informant was hit by the bullet on his thigh. Consequently, the bystander fell to the ground. Upon hearing the gun shot, the villagers rushed and the unknown gunmen started firing in all directions and near about 50 rounds of firing were made. With the help of villagers, the informant and the injured bystander were sent to NMCH for treatment. It is also alleged that earlier the accused persons had cheated the informant and his family members in connection with land and money for which Gaurichak P.S. Case No. 695/2022 was lodged.

4. From perusal of the FIR, *prima facie* case is made out against the petitioner. The petitioner wants quashing of FIR on the basis of the defence which is not permissible in law.

5. In view of the above, this application is dismissed with liberty to the petitioner to raise all the grounds at an appropriate stage.

(Sandeep Kumar, J)

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