

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73342 of 2023

Arising Out of PS. Case No.-156 Year-2019 Thana- GAURICHAK District- Patna

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Randhir Kumar @ Randhir Yadav @ Banda S/O Shri Arjun Prasad @ Arjun Rai @ Arjun Yadav R/O Village- Chakrihiya @ Chakrahima, P.S- Gaurichak, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Smt. Richa Sinha W/O Late Mukesh Kumar Sinha R/O 2h/43, Mahatama Gandhi Nagar, Near Bijali Office, Bahadurpur Housing Colony, Sampatchak, P.S- Agamkuan, Patna, Bihar- 800026.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh
For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-09-2024 This is an application for quashing of the F.I.R. of Gaurichak P.S. Case No. 156 of 2019 registered for the offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

2. As per the prosecution case, the Opposite Party No. 2 who is the informant and is the wife of the deceased, has alleged in her fardbeyan that on 29.03.2019 at about 2.30 PM, while her husband along with one Bimlendu Singh was returning after purchasing mutton, they were intercepted by two accused riding on a motorcycle who shot her husband, and as a result of which her husband died on the spot and Bimlendu Singh fell down from the motorcycle. She further alleged that



two months prior some altercation had taken place between her husband and accused persons including this petitioner with respect to a land dispute and they had lodged a case against her husband. Informant further alleged that petitioner and other co-accused in a conspiracy have killed her husband.

3. The petitioner wants quashing of the F.I.R. only on the ground that informant has filed an application saying that the petitioner is not involved in killing of the deceased but someone else is involved in the killing of the deceased.

4. The F.I.R. cannot be quashed only on the basis of the application filed by the informant. It is for the police to consider the application of the informant and investigate the case properly, and if the petitioner is found to be not involved in the said crime then he may be exonerated by the Police, but this court cannot consider the application of the petitioner for quashing of the F.I.R. at this stage.

5. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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