

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75677 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- SHASTRINAGAR District- Patna

DANISH @ DANISH ALAM KHAN SON OF MOHAMMAD AZHAR
IMAM @ SONA KHAN RESIDENT OF OPPOSITE PURANI MASJID,
SAMANPURA, RAJA BAZAR, B.V. COLLEGE, PS- SHASTRI NAGAR,
DIST- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. AABGINA SON OF LATE MD. MUSLIM KHAN VILLAGE- KUMKUM
SINGH LANE, NEAR BHIKHNA PAHADI, ASHOK RAJPATH, PS-
AGAMKUAN, DIST- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anuj Kumar
For the Opposite Party/s	:	Mr.Shyameshwar Dayal
For the State	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 08-08-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the FIR bearing Shastrinagar P.S. Case No. 61 of 2022 registered for the offence under Sections 341, 342, 323, 354, 354-A, 504, 506/34 of the Indian Penal Code and later on Section 376 and 493 of the Indian Penal Code was also added.

3. As per the prosecution case, the petitioner is said to have established physical relation with the informant on the pretext of marriage and it is further alleged that the petitioner along with other co-accused persons kidnapped the informant,



assaulted her and made video of her.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and there is no material against the petitioner to connect him with the crime.

5. In support of his submission learned counsel for the petitioner has relied upon the Judgment of the Hon'ble Supreme Court passed in the case of ***Pramod Suryabhan Pawar Vs. State of Maharashtra and Anr.*** reported in ***(2019) 9 SCC 608*** and in the case of ***Sonu @ Subhash Kumar Vs. State of Uttar Pradesh and Anr*** reported in ***2021 SCC OnLine SC 181*** and has submitted that no offence is made out against the petitioner.

6. Learned counsel for the opposite party no. 02 has opposed the application of the petitioner.

7. Having considered the rival submission, I am of the view that the FIR cannot be quashed as there are serious allegations levelled against the petitioner and other co-accused persons.

8. The quashing application of the co-accused has already been rejected by this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 18301 of 2023.

9. Accordingly, this application is dismissed.



10. The petitioner is given liberty to file an application before the Senior Superintendent of Police, Patna and give his defence to the Senior Superintendent of Police, Patna including the judgments relied upon by him and if such an application is filed before the Senior Superintendent of Police, Patna then he will direct the supervising authority to examine the case in view of the law laid down by the Hon'ble Supreme Court as has been argued by the learned counsel for the petitioner.

11. Let a copy of this order be communicated to the Senior Superintendent of Police, Patna through FAX for its compliance.

(Sandeep Kumar, J)

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