

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84165 of 2023

Arising Out of PS. Case No.-251 Year-2021 Thana- GAYA MUFASIL District- Gaya

Birendra Yadav Son of Kailu Yadav R/o vill - Budhgere, P.S. - Muffasil, Distt.
- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mahendra Prasad Son of Late Ram Prasad Mahto R/o vill - Lakhanpur, P.O.
- Budhgere, P.S. - Muffasil, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This application has been filed on behalf of the petitioner for quashing the FIR being Gaya Muffasil P.S. Case No. 251 of 2021 registered for the offence under Sections 406, 420 of the Indian Penal Code and under Section 138 of the N.I. Act.

3. From the reading of the FIR offences are made out against the petitioner.

4. The petitioner wants this Court to consider their defence at the stage of FIR which is not permissible 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. Accordingly, this application is dismissed with a
liberty to the petitioner to raise all the grounds at an appropriate
stage.

(Sandeep Kumar, J)

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