

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.722 of 2025
In
Criminal Writ Jurisdiction Case No.1013 of 2024

Soni Gupta Wife of Vinod Prasad, Resident of Village-Kasmar, P.S. Pratapapur, District - Chatra, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General, Magadh Range, Gaya
4. The Superintendent of Police, Aurangabad
5. The Officer In-charge, P.S. - Barun, District- Aurangabad.
6. Kamal Kishore Gupta Son of Pannalal Gupta Proprietor of Shivdas Trading. Resident of Village- Barun Bazar, P.S.- Barun, District-Aurangabad, Bihar
7. The investigation officer of Barun P.S. Case No. 494 of 2022, P.S. -Barun, District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 24-02-2025 The petitioner has filed the instant application for modification of the order dated 06th February 2025 passed in Cr. WJC No. 1013 of 2024.

2. By virtue of the aforesaid order dated 06th February 2025, the petitioner's application was disposed of without passing any order holding, *inter alia*, that over the same said incident a criminal case is pending before the learned



jurisdictional Magistrate in the State of Jharkhand being Charge-sheet No. 260 of 2024 dated 14th June 2024.

3. It is pointed out by the learned Advocate for the petitioner that the observation made in paragraph no. 6 of the order dated 06th February 2025 so far as Charge-sheet No. 260 of 2024 relates to pendency of criminal case in the court of the learned jurisdictional Magistrate in the State of Jharkhand was inadvertently made on wrong impression because in the counter-affidavit filed by SDPO-I, Aurangabad, it is found that Charge-sheet No. 260 of 2024 was filed by the police in connection with Barun P.S. Case No. 494 of 2022.

4. This Court has held that Barun P.S. Case No. 494 of 2022 is not maintainable on the ground that the allegation made in the FIR relates to a dispute purely civil in nature.

5. In view of such circumstances, the last line of paragraph no. 6 starting with the following words “before the Jurisdictional Magistrate in the State of Jharkhand”, entire paragraph nos. 9, 11, 12, 13 and 15 be deleted.

6. Paragraph No. 16 be re-written in the following words “For the reasons stated above, the instant writ petition is allowed and Barun P.S. Case No. 494 of 2022 filed under Sections 406/420/120(B)/504 and Charge-sheet No. 260 of 2024



be quashed.”

7. The modified order be kept with the record.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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