

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33537 of 2024

Arising Out of PS. Case No.-606 Year-2020 Thana- BAGHA District- West Champaran

Dhiraj Kumar, Son of Shri Prem Chandra Prasad Resident of Bhargavi Complex, Dumwalia, P.S.- Bagaha (Pathkhauli), Dist.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar, Son of Premchandra Prasad R/o Bhargavi Complex, Damvaliya, P.S.- Bagha (Pathkhauli), Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar- Sr. Advocate Ms. Shashi Priya – Advocate Mr. Amar Shakti- Advocate Mr. Shashank Sheohar- Advocate Mr. Kushagra Kaustub Ojha- Advocate Mr. Ashmita Bharti- Advocate Mr. Praveen Kumar- Advocate Mr. Arya Achint- Advocate Ms. Supragya- Advocate
For the Opposite Party/s :		Mr. Ram Bilash Roy Raman- A.P.P. Mr. Vijay Kumar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-07-2025 1. Heard learned counsel for the petitioner Ms. Shashi Priya, learned APP for the State Mr. Ram Bilash Roy Raman and the learned counsel appearing on behalf of the informant Mr. Vijay Kumar.

2. The learned counsel appearing on behalf of the petitioner submits that petitioner and the opposite party no.2 are own brothers. It is next submitted that one Munindra Kumar had instituted Jakkanpur P. S. Case No.20 of 2015 dated 12.01.2015 against the petitioner herein and other named accused persons. It



is next submitted that Jakkanpur P. S. Case No.20 of 2015 was instituted based on a complaint filed by Munindra Kumar, being Complaint Case No.26228(C) of 2014 in the Court of the learned Chief Judicial Magistrate, Patna. It is next submitted that in Jakkanpur P. S. Case No.20 of 2015, apart from the petitioner, there were other accused persons including one Neeraj Kumar, who is own brother of the petitioner herein and is also the informant of the instant FIR i.e. Bagaha P. S. Case No. 606 of 2020.

3. It is further submitted that Neeraj Kumar, who was an accused in Jakkanpur P. S. Case No. 20 of 2015 instituted Complaint Case No. C-577 of 2020 dated 16.09.2020 in the Court of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran against the present petitioner and five other accused persons, based on which Bagaha P. S. Case No. 606 of 2020 dated 12.10.2020 was instituted. It is next submitted that in Bagaha P. S. Case No. 606 of 2020, Munindra Kumar the informant of Jakkanpur P. S. Case No. 20 of 2015 is not an accused.

4. The learned counsel for the petitioner further submits that instant quashing application has been filed seeking quashing of Bagaha P. S. Case No. 606 of 2020 dated



12.10.2020 on the ground that allegation as alleged in Bagaha P. S. Case No. 606 of 2020 is similar to the allegation as alleged in Jakkanpur P. S. Case No.20 of 2015 instituted by Munindra Kumar. It is thus submitted that for the same offence, two FIR have been instituted. It is reiterated and submitted that all named accused in Jakkanpur P. S. Case No. 20 of 2015 have been made accused in Bagaha P. S. Case No. 606 of 2020 by Niraj Kumar, who is also an accused in Jakkanpur P. S. Case No. 20 of 2015.

5. It is next submitted that when allegation in the second FIR i.e. Bagaha P. S. Case No. 606 of 2020 is similar to the allegation as alleged in Jakkanpur P. S. Case No. 20 of 2015 whether the second FIR would be allowed to stand.

6. The the learned counsel appearing on behalf of the opposite party no.2 submits that a counter-affidavit has been filed wherein it has been specifically stated at Para-2 that on intervention of friends, well-wishers and common relatives of both the parties, all disputes have been settled against all the accused persons of this case, as such, the case has been compromised in between the informant (Niraj Kumar) and accused persons of the instant case including Dhiraj Kumar (petitioner herein). It is also pleaded that the informant does not want to pursue the instant case any further. It is thus submitted



that informant will have no objection in the event, if Bagaha P. S. Case No. 606 of 2020 dated 12.10.2020 is quashed. The learned counsel appearing on behalf of the informant also does not dispute the fact that the allegation as alleged in the instant FIR is akin to the allegations alleged in Jakkanpur P. S. Case No.20 of 2015.

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that investigation in the case is still continuing and charge-sheet has not been submitted.

8. After hearing the learned counsel for the parties and in view of the stand taken by the opposite party no.2 in the counter-affidavit, the FIR i.e. Bagaha P. S. Case No. 606 of 2020 dated 12.10.2020 instituted under Sections 120B, 406, 420, 465, 467 and 471 of the I.P.C. is hereby quashed.

(Satyavrat Verma, J)

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