

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30540 of 2019

Arising Out of PS. Case No.-113 Year-2017 Thana- BHARGAMA District- Araria

1. ROUSHAN KUMAR MANMAN @ ROSHAN JHA @ MUNMUN JHA S/O Vijay Kant Jha @ Vijay Kumar Jha, Resident of village- Raghunathpur Dakshin, P.S. Bhargama, District- Araria.
2. Vijay Kant Jha @ Vijay Kumar Jha, S/o Late Rameshwar jha, Resident of village- Raghunathpur Dakshin, P.S. Bhargama, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Avinash Shekhar
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-03-2025 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order dated 08.02.2018 passed by the learned Chief Judicial Magistrate, Araria in Bhargama P.S. Case No. 113 of 2017 / G.R. No. 1916 of 2017.

3. The only ground for quashing as has been argued by the learned counsel for the petitioner that no FIR is maintainable under Section 138 of the N.I. Act. The FIR has been registered under Sections 406, 420, 120B of the Indian Penal Code and under Section 138 of the N.I. Act.

4. Learned counsel for the petitioner further submits that discharge application is pending before the trial Judge. The



trial Judge is directed to consider the same and decide the issue.

If the trial Judge decides that no FIR is maintainable under Section 138 of the N.I. Act then the trial for other offences shall continue against the petitioner and the complainant is given liberty to file a fresh case under Section 138 of the N.I. Act after condonation of delay.

5. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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