

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.946 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- OBRA District- Aurangabad

Santosh Baitha S/o Chaneshwar Baitha @ Chandeshwar Baitha R/o village-
Bara Devchand, PS- Obra, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, Deptt. of Home Bihar, Patna Bihar
2. The Director General of Police, Bihar Patna
3. The Deputy Inspector General of Police, Bihar Patna
4. The Superintendent of Police Aurangabad Bihar
5. The Station House Officer, Obra, Aurangabad Bihar
6. Sujata Devi W/o Munna Singh R/o vill - Bara Devchand, P.O. - Narayanpur, P.S. - Obra, Distt. - Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Pandey
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, A.A.G.13

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-06-2025 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The present application has been filed on behalf
of the petitioner for quashing of the FIR of Obra P.S. Case
No.416 of 2024 which has been registered for the offences
punishable under Sections 352, 351(2), 329(4), 76, 3(5) of the
Bhartiya Nyaya Sanhita, 2023 and under Section 8 and 12 of
the POCSO Act.

3. The prosecution case, in brief, is that on



24.09.2024 at about 07.00 P.M., the accused persons entered into the house of the informant and started abusing her. They threatened to kidnap her daughter and make her photos viral. The informant disclosed that on 19.09.2024, her house had a power outage, then she took the petitioner to generate electricity. After generating electricity, he did wrong to her daughter. When her daughter told the informant about the same, she went to the house of the petitioner to confront him. On 24.09.2024, all the accused persons came to her house and misbehaved with her and her daughter.

4. The contention of the petitioner is that the FIR be quashed after considering his defence.

5. The FIR cannot be quashed by this Court by considering the affidavit evidence and the defence of the petitioner. It is for the Investigating Agency to consider the defence of the petitioner and thereafter submit the final report/charge sheet in accordance with law.

6. This application is disposed of with liberty to the petitioner to approach the Superintendent of Police, Aurangabad with his defence by filing a representation and if such a representation is filed by the petitioner the same shall be considered by the I.O. of the case and appropriate final re-



port/charge sheet shall be filed by the Police in accordance
with law after considering the defence of the petitioner.

(Sandeep Kumar, J)

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