

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10148 of 2024

Arising Out of PS. Case No.-192 Year-2012 Thana- SAKRA District- Muzaffarpur

1. Shambhu Prasad Singh S/O Late Raj Mangal Singh VILLAGE-GOPALPUR, PS. SAKRA, DIST. MUZAFFARPUR.
2. UDAY SHANKAR PRASAD SINGH @ NUNNU @ UDAY SHANKAR S/O SHAMBHU PRASAD SINGH VILLAGE- GOPALPUR, PS. SAKRA, DIST. MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 10-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have challenged the order dated 04.11.2023 passed by Additional Sessions Judge-19th, Muzaffarpur in Sessions Trial No. 296/2023 arising out of G.R. No. 2275/2012 in connection with Sakar P.S. Case No. 192 of 2012 dated 13.06.2012 whereby the learned trial court has refused to discharge the petitioners from the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant, namely, Chandan Kumar alleged that on 13.06.2012 at about 05:00 A.M. his elder brother, namely, Sujit Kumar went to drop his elder



sister, namely, Shiwani Thakur @ Jhuni Thakur at Dholi railway station along with three persons from Sundarpur village and one person, namely, Rakesh Kumar of Gopalpur. At about 20:40 O'clock, after departure of the train, they came out of the station and his brother Sujit Kumar went to Jatkauli on motorcycle, but he could not reach his home by 10 P.M., then the informant tried to contact him on his mobile but his mobile was switched off. Thereafter, the informant reached at Sakra police station, there he came to know that one dead body of a young boy has been found from the Bhuta Chowk beside the N.H. on 12.06.2012 at about 4 P.M. and the photo of the deceased was shown to him and on seeing the photo, he identified the dead body to be of his elder brother Sujit Kumar. Further, he claimed that petitioners had murdered his elder brother. The petitioner no.1 (Shambhu Singh) is his cousin uncle (Mama) with whom a land dispute is going on since long back which is pending in the court and before this the petitioner no.1 (Shambhu Singh) threatened to kill his brother. It is further alleged that they took away his mobile, Rs. 2,000/- and documents.

4. Learned counsel for the petitioners referring to paragraphs 10, 12, 14, 15 and 18 of the present quashing application has tried to impress upon this Court primarily on the



issue that he was not present at the place of occurrence and thus he claimed a plea of alibi.

5. Learned counsel for the State has opposed the prayer of the petitioners and submitted that the plea of alibi was investigated upon and after thorough investigation charge-sheet came to be submitted against the petitioners followed by taking of cognizance against the petitioners.

6. This Court finds that the case at hand is under Sections 302, 120B and 34 of the Indian Penal Code and the plea of alibi of the petitioners by way of defence can only be decided during the course of trial.

7. Resultantly, this quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

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