

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1129 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- PHULWARISHARIF District- Patna

1. Arun Kumar S/O- Rameshwar Singh @ Shankar Prasad Resident of Village- Simra, P.S.- Janipur, Dist- Patna
2. Bhushan Sharma @ Bhushan Kumar Son of Rameshwar Singh @ Shankar Prasad Resident of Village- Simra, P.S.- Janipur, Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Patna Division, Patna
5. The City Superintendent of Police (West), Patna
6. The Additional Superintendent of Police, Phulwari Sharif, Patna
7. The Officer In- Charge, Phulwari Sharif (Janipur), Police Station, Patna
8. The Investigating Officer, Phulwari Sharif (Janipur), Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3
		Ms. Rupali Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

18 12-01-2026 The present petition has been filed by the petitioners for quashing of FIR bearing Phulwari Sharif (Janipur) P.S. Case No. 340 of 2020, registered for the offences punishable under Sections 120B, 328, 302 and 506 read with Section 34 of the Indian Penal Code.

2. As per allegation, in the intervening night of 22.06.2020 and 23.06.2020, the victim/Ranjan Kumar, son of



the informant, was called by the accused persons including the petitioners under conspiracy and he was killed by them by administering poison and other poisonous substances. It is also alleged that prior to this commission of offence, there was altercation between the victim and accused persons including the petitioners in regard to payment of interest on interest and it was alleged that if the interest on interest was not paid, he would be eliminated.

3. I heard learned counsel for the petitioners and learned counsel for the State.

4. Learned counsel for the petitioners submits that the allegation is false and fabricated and this case is filed due to *malafide*, because the accused persons and the informant are agnates and they are having strained relationship. He further submits that the petitioner No. 1/Arun Kumar is a Junior Commissioned Officer in Indian Army and was posted at Danapur at the relevant time and he was not present at the place of occurrence as alleged. He also makes similar submission in regard to petitioner No. 2/Bhushan Sharma @ Bhushan Kumar that he is a retired Police Constable and presently, he is working in Bihar Special Armed Police, posted at Patna and he was also not present at the place of occurrence as alleged by the



informant.

5. However, learned counsel for the State submits that as per allegation made in the FIR, a clear *prima facie* case is made out against the petitioners and hence, there is no question of quashing the FIR. The plea of alibi taken by the petitioners is a matter of investigation and trial.

6. I agree with the submission of learned counsel for the State that a *prima facie* case is made out against the petitioners and there is no question of quashing the FIR. However, till date no charge-sheet has been submitted by the police and hence, the police is required to investigate into the claim of alibi taken by the petitioners before submission of charge-sheet.

7. Accordingly, the present petition stands disposed of.

(Jitendra Kumar, J)

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