

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64 of 2026

Arising Out of PS. Case No.-63 Year-2024 Thana- SIRISIYA District- West Champaran

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Hargun Kumar Tripathi @ Hargun Tripathi Son of Hajari Prasad Tripathi @
Hajari Tiwari R/o - Turahapatti, P.S. - Sirisiya, Dist. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 12-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has made the following prayer in this
application :-

*“ That this application is being filed to
quash the order dated 26.09.2025
passed in Sirisiya P.S. Case No.
63/2024 passed by Judicial Magistrate
First Class Bettiah West Champaran
whereby and whereunder the learned
Court has dismissed the petition dated
05.03.2025 which is filed by the
petitioner u/s 262 of the B.N.S.S. for
discharge u/s 25(1-b)(a), 26 and 35 of*



the Arms Act, the learned court has refused to discharge the petitioner”.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It has further been submitted that the petitioner is not living in the house from where the said recovery has been made in fact it happens to be a joint family house and the petitioner has left the same way back. It has further been submitted that his brother in collusion with the police falsely implicated the petitioner in the present case. Learned counsel has further submitted that the police had not followed the directive of the Hon'ble Supreme Court wherein the search and seizure should have been video photographed and the same has not been done. It has further been submitted that police has mechanically submitted the charge-sheet without any such evidence of search and seizure. Learned counsel has further submitted that as per the Arms Act, it is mandatory to obtain sanction before submitting the charge-sheet. However, during investigation, the I.O. has not taken any sanction from the District Magistrate before submitting the charge-sheet. It has further been submitted that there is a Partition Suit bearing 191/2024 pending between the petitioner and his brother and in order to settle the same and coerce the petitioner into



compromising the same, the present false and concocted case has been lodged. Learned counsel has further submitted that the learned trial court has failed to appreciate such facts and circumstances and has dismissed the petition filed under Section 239 of the Cr.P.C. on behalf of the petitioner praying therein to discharge him from the same and the offences as alleged in the charge-sheet.

4. Considering the submission made on behalf of the parties, this court finds that the petitioner has prayed therein that there has been some irregularities committed during the investigation and more over it is the defense of the petitioner that the petitioner and his brother were at loggerheads on account of some property dispute for which the title suit is also pending and at the behest of his brother, the police falsely implicated the petitioner in this case. It is a settled law that during discharge, the court has only to see and hold that the evidence collected during the course of investigation goes on to show the offences are made out against the petitioner and it is not a stage where the defense of the accused/ petitioner would be looked into.

5. In view of the above, I do not find any illegality in the order dated 26.09.2025 passed by Judicial Magistrate First



Class, Bettiah, West Champaran. Accordingly, the present quashing application stands dismissed.

(Sourendra Pandey, J)

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