

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36018 of 2009

1. Dinesh Rai, son of Googool Rai @ Gaugool Rai,
2. Googool Rai @ Gaugool Rai, son of Late Khelawan Rai, both of village Kaila Jalalpur, PS Goraul (Kathara O.P.), District Vaishali - petitioners.

Vs.

1. The State of Bihar through Director General of Bihar, Bihar, Patna.
2. The Principal Home Secretary, Bihar, Patna.
3. The Inspector General of Police, Tirhut Division, Muzaffarpur.
4. The Dy. Inspector General of Police, Tirhut Division, Muzaffarpur.
5. The Collector, Muzaffarpur.
6. The Superintendent of Police, Muzaffarpur.
7. The Officer Incharge, Sakra P.S., Muzaffarpur.
8. Sri Bhola Kumar Singh, I.O., Sakra PS Case No. 170/2009, Muzaffarpur.
9. Sri Navalal Rai, son of Late Khelawan Rai, village Kaila Jalalpur, PS Goraul (Kathara O.P.), Dist. Vaishali - opposite parties.

2

29.1.2010

Heard learned counsel for the parties.

This application has been filed for quashing the F.I.R. of Sakra PS Case No. 170 of 2009.

The facts are that Sudama Devi had filed a case which was registered as Goraul (Kathara) PS Case No. 81/2009 instituted on 20.4.2009. The present case has been filed by Navalal Rai who is the brother of petitioner no.2 and uncle of petitioner no. 1 alleging therein that his son Sakindra Rai had been kidnapped by the petitioners. The 1st case i.e. Goraul PS Case No. 81/2009 was instituted within the Vaishali district; the second case being Sakra PS Case No. 170/2009 has been filed within Muzaffarpur district. The second case being Sakra PS Case No. 170/2009 was converted into an F.I.R. on 21.5.2009. In the mean time the police arrested Sakindra Rai in the night of 28/29.5.2009 and later released him on bail which is apparent from Annexure 4, the charge sheet submitted in Goraul PS Case No. 81/2009.

During investigation of Sakra PS Case No. 170/2009 the

supervising authority has noted in the case diary that Sakindra Rai has been kidnapped by informant of the case as there is a land dispute between the parties. No further action has been taken in Sakra PS Case No. 170/2009 and a direction has been given to try and recover Sakindra Rai.

Learned counsel for the petitioners submits that the case is obviously false and if the Investigating Officer examines the dates etc. with respect to both the cases and also examines the fact that Sakindra Rai was arrested in Goraul PS Case No. 81/2009. it would be apparent that in fact no case of kidnapping is made out against the petitioner.

I accordingly direct the Deputy Inspector General of Police, Tirhut Division, Muzaffarpur to examine these facts and also examine the fact with respect to Goraul PS Case No. 81/2009 before the submission of charge sheet / final form in Sakra PS Case No. 170/2009 and pass appropriate orders.

This application is disposed of with the aforesaid observations and directions.

A copy of this order may be sent to the Dy. Inspector General of Police, Tirhut Division, Muzaffarpur, the Superintendent of Police, Muzaffarpur and the Superintendent of Police, Vaishali for doing the needful.

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(Sheema Ali Khan, J.)