

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.40 of 2014

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Keshari Kumar Singh son of Late Babu Nawab Singh, Resident of Village -
Gonahi, Police Station - Chhauradano, District - East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Department of Home, Bihar,
Patna
2. The Director General - cum - Inspector General of Police, Bihar, Patna
3. The Collector-cum-District Magistrate, District-East Champaran, Motihari
4. The Sub-Divisional Officer, Raxaul, District - East Champaran, Motihari
5. The Superintendent of Police, East Champaran, Motihari
6. The Sub-Divisional Police Officer, Raxaul, District - East Champaran,
Motihari
7. The Station House Officer, Chhauradano Police Station, District - East
Champaran, Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate

For the Respondent/s : Mr. Amar Nath Deo, S.C.-26

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-01-2015 In the present writ petition filed under Articles 226 and

227 of the Constitution of India, the prayer of the petitioner in

paragraph-1 is as under:-

“(1) That the petitioner hereof craves indulgence of this Hon’ble Court for issuance of an appropriate writ/writs, rule, order(s) or direction for setting aside the first information report, bearing Chhauradano P.S.Case No.120/2013, dated 15.11.2013, corresponding G.R. No.1031/2013, registered under sections 147/149/188/153(A)/353/120(B) and 333 of the Indian Penal Code read with section-9 of the Bihar Control of Use and Play of Loudspeaker Act, 1955 as the allegations made in the first information report, even if they are taken at their face value and accepted in their entirety do

not prima facie constitute any offence or make out a case against the accused persons named in the F.I.R. and further the allegations in the first information report and other materials, accompanying the F.I.R., do not disclose any cognizable offence, justifying an investigation by police officers under section-156(1) of the Code of Criminal Procedure, accept under an order of a Magistrate within the purview of section 155(2) of the Code and moreover the allegations made in the F.I.R. are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused persons and on the face of it, the contents of the F.I.R. itself reflects that the same is attended with malafide and maliciously instituted with an ulterior motive with a view to spite upon the law abiding citizen and to crush the bonafide voice of the inhabitants of the locality, dawn to dust with a view of satisfy the fency of whims of the political bigwigs/Aakas and/or any other relief/reliefs for which the petitioner may be found entitled thereto as this Hon'ble Court may deem just and proper in the facts and circumstances of the instant case.”

The allegations made in the FIR do constitute a cognizable offence. In that view of the matter, I find no merit in the present application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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