

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.746 of 2014

Arising Out of PS. Case No. 34 Year- 2013 Thana - Beur District- PATNA

Rajesh Ranjan @ Pappu Yadav, Son of Sri Chandra Narayan Prasad, Resident of Court Station Road, Purnea, District - Purnea

.... Petitioner

Versus

1. The State of Bihar
2. The Superintendent of Police, Patna, District
3. The Officer-in-Charge, Beur Police Station, Patna, District Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Anupam Sinh, Advocate

For the Respondents: Mr. Yogendra Pd. Sinha, AAG 15
Mr. Rajeev Kr. Sinha, AC to AAG 15

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

CAV JUDGMENT

Date: 15-04-2015

The present writ petition has been filed for quashing the first information report of Beur P.S. Case No.34/2013 registered under Sections 341, 323, 353, 146, 147 and 34 of the Indian Penal Code.

2. According to the FIR, it is alleged that when the informant, being a Deputy Superintendent of Police, came to the jail premises to take stock of the situation relating to a scuffle between a warden Sri Sanjay Singh and an inmate Jyoti Rai, the petitioner started shouting and using words of instigation, as a result of which another prisoner Sita Ram shouted out to kill the informant. The situation thus created apprehension of a violent group of prisoners

inside the jail being formed and the jail officials being attacked.

3. It is submitted on behalf of the petitioner that even on perusal of the accusations in the FIR, no offence is made out against the petitioner moreso inasmuch as only use of words, but not of any criminal force, has been attributed to the petitioner. The judgment of the Hon'ble Apex Court dated 20.01.2015 in Criminal Appeal No.141 of 2015 (Manik Taneja & another Vs. State of Karnataka & another) has been relied upon.

4. A counter affidavit has been filed on behalf of the respondents which, inter alia, discloses that charge sheet has already been submitted on 16.03.2015 before the learned court below.

5. In view of the aforesaid statement made in the counter affidavit which has not been refuted by the petitioner, it is clear that the matter has now advanced beyond the stage of investigation which has now concluded and culminated in a charge sheet submitted against the accused persons. The matter is pending before the learned court below which will take into consideration not only the FIR but also the statements of the witnesses as may have been collected in course of investigation, before passing appropriate orders.

6. This Court is, accordingly, not inclined to entertain the writ petition at this belated stage in view of the subsequent

developments as stated above. Without entering into the merits of the matter, therefore, the writ petition stands dismissed.

7. In case any adverse order is passed by the learned court below, the petitioner shall be at liberty to agitate all points before the appropriate forum in accordance with law.

(Vikash Jain, J)

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