

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.353 of 2015

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1. ASIN MIYAN Son of Late Mohamod Miyan
2. Nazir Mansoori Son of Asin Miyan
3. Basir Mansoori Son of Asin Miyan
4. Sagir Mansoori son of Asin Miyan All resident of Village- Madhubani
Tola, P.S.- Sahiyara, Anchal - Bathanaha, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Anil Kumar (Gp 23)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 27-01-2016 By the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioners seek quashing of the first information report in connection with Sitamarhi SC-ST P.S. Case No.5 of 2015 registered under Sections 341, 323, 354, 427, 504/34 IPC as also 3(1)(x) and (xiv) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners has contended that though the occurrence is of 27.1.2015, the FIR has been instituted on 1.2.2015 and the delay caused in filing the FIR has not been properly explained by the informant of the case. He has

further contended that the petitioners have been falsely implicated in the present case and the investigation of the case would be nothing, but an abuse of process of the court.

On the other hand, learned counsel for the State has contended that the allegations made in the FIR are quite serious and during preliminary investigation of the case, the witnesses have supported the allegations made in the FIR.

I have heard respective counsel for the parties and perused the materials available on record including the FIR as contained in Annexure-1 to the present application.

Apparently, the allegations made in the FIR do attract ingredients of a cognizable offence.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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