

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.833 of 2015

Arising Out of PS.Case No. -410 Year- 2015 Thana -Bihta District- PATNA

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1. Md. Faiyaz Alam @ Faiyaz Alam
2. Md. Siyaz Alam @ Saiyad Alam @ Md. Irfan Alam Both sons of Late Haji Amanullah Resident of Rasoolpur Kateshar, P.O. - Kateshar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Home Secretary, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. Sub Divisional Officer, Danapur, Patna.
6. The Station House Officer, Danapur Police Station, Patna.
7. The Station House Officer, Bihta Police Station Patna.
8. Mishri Lal Paswan Son of not known to the petitioner presently posted as A.S.I., Bihta, P.S. Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.
Mr. Binod Kumar Sinha, Adv.
For the Respondent/s : Mr. P.K.Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-02-2016

Heard Mr. Ashhar Mustafa, learned counsel for the petitioner and learned counsel for the State.

By the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the FIR of Bihta P.S.Case No. 410 of 2015 registered under Sections 341, 323, 504, 506, 152 and 153-A read with 34 of the Indian Penal Code.

It has been contended that there is undue and

unexplained delay in institution of the FIR. It is further contended that there is absolutely no truth behind the allegation made in the FIR.

On the other hand, learned counsel for the State has contended that the allegations made in the FIR do attract the ingredients of a cognizable offence and hence, it is the statutory duty of the police to institute the FIR and investigate the case. The truth about the allegation can only be found out after proper investigation is made out.

I have heard the respective counsel for the parties and perused the FIR, as contained in Annexure-8 to the present application. The allegations made in the FIR do attract a cognizable offence.

In that view of the matter, I do not find any merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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