

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.46 of 2016

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1. Manoj Kumar Son of Jamindar Mahto, Resident of Village - Sanha West, P.S. - Sahebpur Kamal, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Director General of Police, Patna, Bihar
2. The Station Head Officer, P.S. Sahebpur Kamal, District - Begusarai.
3. The Investigating Officer, P.S. Case No. 64/2015, P.S. Sahebpur Kamal, District - Begusarai.
4. Pratima Devi (Gram Panchayat Mukhiya), Wife of Rajeev Ranjan Paswan, Resident of Village - Sanha West, P.S. - Sahebpur Kamal, District - Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Y. C. Verma
Mr. Ansui Kumar
For the Respondent/s : Mr. Indeshwari Prasad Mandal, AC to GA 3
For the informant : Mr. Sandip Kumar Gautam

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

8 09-08-2016 Heard learned Counsel for the petitioner, the informant and the respondents-State of Bihar.

This application has been filed, seeking quashing of the First Information Report of Sahebpur Kamal Police Station Case No. 64 of 2015, registered for the offences punishable under Section 143/427 of the Indian Penal Code and Section 3 (i) (viii) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

Learned Counsel for the petitioner submits that at the first place, as is evident from the written report,



which is the basis for lodging of the First Information Report, that the case has been lodged out of internal rivalry among the co-villagers, for the reason that the petitioner was the Ex-Pramukh of the concerned block and the informant is the present Mukhiya. Secondly, he submits that in any event, no offence can be said to be made out under the provisions of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act. He, thirdly, submits that no offence under Sections 143 and/or 427 of the Indian Penal Code is made out.

Upon perusal of the First Information Report, I find that there is allegation against the petitioner that he, along with 5 (five) other persons, caused obstruction in the construction of R.C.C. road of the village and they damaged the soling of the road, which was done in connection with the construction of the said village road.

Considering the nature of allegation, it cannot be said that no offence under Section 143 of the Indian Penal Code is made out. Further, it appears that till date, charge sheet had not been submitted in the case.

It will be open to the petitioner to raise this question at the stage of taking of cognizance or framing of charge, if, according to him, based on materials collected in course of investigation, no offence under the provisions

of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act is made out.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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