

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21502 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- MADHUBANI

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Kundan Kunwar, S/o Gopal Kunwar, R/o Village- Tarapatti, P.S.- Khajauli,
District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Superintendent of Police, Madhubani.
2. Umesh Kumar Paswan, Sub-Inspector of Police-cum-informant of Khajauli Police Station Case No. 169/2012, Madhubani.
3. Nityanand Pandey, Block Development Officer, Khajauli-cum-informant of Khajauli P.S. Case No. 170/2012, Madhubani.
4. Sunil Kumar, Circle Officer, Khajauli-cum-informant of Khajauli, P.S. Case No. 171/2012, Madhubani.
5. Sunil Kumar, Circle Officer, Khajauli-cum-informant of Khajauli P.S. Case No. 174/ 2012, Madhubani.
6. Minakshi Singh, Programme Officer, Khajauli-cum-informant of Khajauli P.S. Case No. 176/2012, Madhubani.
7. Ravindra Prasad Sinha, Assistant Manager, Khajauli-cum-informant of Khajauli P.S. Case No. 177/2012.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
: Mr. Ashhar Mustafa, Advocate
For the State : Mr. Anand Kishore Chaudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 14-08-2018

Mr. Shailendra Kumar, learned counsel for the petitioner submitted that in the instant application he is confining his prayer for quashing of the first information report of Khajauli P.S. Case No.169 of 2012 only.

2. In view of the submission made above, the defects, as pointed out by the office, are ignored.



3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the said case. Due to tainted police investigation several innocent persons including the petitioner have been implicated not only in Khajauli P.S. Case No.169 of 2012 but also in many other cases in respect of an offence, which was committed in same transaction.

4. On the other hand, learned counsel for the State submitted that the petitioner is one of the named accused in the first information report in which allegations have been made that twenty four named besides one thousand unknown anti-social elements armed with lethal weapons forcibly entered into the Block Office, Khajauli and caused huge damage to the public property.

5. I have heard learned counsel for the parties.

6. The first information report of Khajauli P.S. Case No.169 of 2012 was registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 333, 337, 427, 452, 435, 436, 308, 504, 506 and 120B of the Indian Penal Code. The allegations made therein are quite serious. The petitioner is one of the named accused in the first information report. The offences alleged are cognizable. To hold investigation into a cognizable offence is the statutory duty of the police.

7. In that view of the matter, I see no merit in this



application. It is dismissed, accordingly.

8. It is made clear that this Court has not expressed its opinion on any other first information report which may have been instituted against the petitioner in which his name may have transpired in course of investigation.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.08.2018
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