

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45682 of 2017

Arising Out of PS.Case No. -523 Year- 2017 Thana -BIHTA District- PATNA

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1. Jag Narayan Singh son of Late Naurang Deo Singh resident of Near Happy Child School, Polytechnic Road, Jharudih, P.O. Dhanbad G.P.O., P.S. Dhanbad, District Dhanbad, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Ambastha son of Shri Awadhesh Prasad Sinha Assistant Director (Mines), Government of Bihar, Patna, resident of Anandpuri, P.S . Srikrishnapuri, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
Mr. Vishal Vikram Rana, Adv.
For the State : Mr. Jharkhandi Upadhyay, APP
For the Department of Mines : Mr. Naresh Dikshit, Adv.
Mr. Brij Bihari Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel appearing for the Department of
Mines.

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing of the First Information Report of Bihta P.S.Case No. 523 of 2017 registered for the offences punishable under Sections 406, 420, 467, 468, 471 read with 34 and 120-B of the Indian Penal Code and Rule 3 of the Bihar Minerals & Prevention of Illegal Mining, Transportation and Storage Rules, 2003.



3. Learned counsel for the petitioner submitted that though the petitioner is not named in the FIR, in course of investigation the police are chasing him. He submitted that there is no legal material to connect the petitioner with the offences alleged.

4. On the other hand, learned counsel for the State submitted that the allegations made in the FIR are quite serious and the case is still under investigation. It would not be proper for this Court to enter into the merits of the case at this stage.

5. I have heard learned counsel for the parties and perused the record.

6. On perusal of the FIR, it appears that it is a case of illegal storage and transportation of sand. Altogether 36 persons have been named in the FIR. The allegations do attract ingredients of a cognizable offence. To hold investigation into a cognizable offence is statutory right of the police. At this stage, the Court has no role to play. The investigation of a case is to be kept confidential. At this stage, neither the accused nor the court knows as to what materials have been collected in course of investigation. Once the investigation would be over and the police would submit its report, the court would apply its mind to the outcome of investigation. The application filed by the petitioner is pre-mature. It is not even the case of the petitioner that the allegations made in the FIR do not constitute any cognizable



offence. In case the petitioner has got any apprehension of arrest at the hands of police, the remedy available to him is under Section 438 of the Code of Criminal Procedure.

7. In view of the discussions made above, I see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19-06-2018
Transmission Date	19-06-2018

