

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1231 of 2018

Arising Out of PS.Case No. -72 Year- 2016 Thana -Uchkagaon District- GOPALGANJ

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1. Munnalal Singh, S/o Late Ram Kishun Singh,
2. Sanjai Singh @ Sanjai Kumar Singh S/o Kashinath Singh,
3. Raju Singh S/o Kashinath Singh,
4. Shambhu Singh S/o Late Ram Kishun Singh,
All residents of Jhirwa, P.S.-Uchkagaon, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur.
4. The Deputy Inspector General of Police, Chapra Saran.
5. The Superintendent of Police, Gopalganj.
6. The Deputy Superintendent of Police, Hathua, Gopalganj.
7. The Station House Officer, Uchkagaon, Gopalganj.
8. Sri Ajay Sah Gond, S/o Late Tufani Sah, R/o Vill. + Post Jhirwan, P.S.-
Uchkagaon, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maruth Nath Roy, Adv.
For the Respondent/s : Dr. Anand Kumar, AC to AAG-3
For the Informant : Mr. Harsh Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-05-2018

Heard learned counsel for the petitioners, learned counsel
representing the informant as also learned counsel representing the State.

Petitioners have moved this Court for quashing of the First
Information Report being Uchkagaon P.S. Case No.72 of 2016 dated 10.05.2016
registered under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal
Code and Section 3 (1) (X) of the SC/ST Act. It is submitted that Section 379 of
the Indian Penal Code has also been added later on.

Learned counsel for the petitioners submits that the allegations



against the petitioners are false, fabricated and baseless as those have been made because of political rivalry.

On the other hand, learned counsel representing the informant and the State submits that, at this stage, this Court while exercising its jurisdiction under Article 226 of the Constitution of India, would not go into the nature of the evidences which are available on the record or will come in course of investigation of the case, what is to be seen by the Court is as to whether or not a prima-facie case is made out against the petitioners if the allegations contained in the F.I.R are found to be true after investigation. It is submitted that there are specific allegations of not only abuse but also assault to the informant by iron rod and knife causing injuries on his head and chest.

Having gone through the contents of the F.I.R, this Court is of the considered opinion that if the allegations made therein are found to be correct after investigation, a criminal offence will be prima-facie made out, therefore, at this stage, if the investigation is still going on, this Court would not be willing to quash the F.I.R.

The writ application being devoid of merit is hereby dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	NAFR
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