

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1541 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- SHASTRINAGAR District- Patna

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1. Siddhant Shandilya, Son of Sri Hemendra Kumar Pandey.
 2. Aditya Kumar Son of Sri Arvind Kumar.
 3. Prashant Kumar Son of Sri Arvind Kumar.
 4. Satya Pandey Son of Sri Ranjeet Kumar Pandey.
 5. Golden Kumar, Son of Sri Sugriv Paswan.
 6. Karu Kumar Son of Sri Dayanand Paswan All resident of Village+ Post- Sabnima, P.S.- Athamalgola, District- Patna.
 7. Gulshan Kumar, Son of Sri Sanjay Ray, resident of New Bypass Raghapur, P.S. Bakhtiyarpur, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Bihar, Patna
2. The Senior Superintendent of Police, Patna
3. The Town Superintendent of Police, Patna
4. The Bihar School Examination Board, Patna through its Secretary
5. The Sub-Divisional Police officer, Patna, Sadar, Patna
6. The Station House Officer, Shasthtrinagar Police Station, District- Patna
7. The Investigating Officer, through Station House Officer, Shastrinagar Police Station, District- Patna
8. Dr. Najama Nahid, The Centre Superintendent, Rajkiya Balika Uchchaya Madhyamik Vidyalay, Shashtrinagar, P.S.- Shashtrinagar, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate Mr. Bhola Kumar, Advocate
For the Respondent/s	:	Mr. Md. Nadim Seraj (GP-5) Mr. Iqbal Asif Niazi, AC to GP 5
For B.S.E.B.	:	Mr. Manish Kumar, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-08-2018 Heard learned Senior Counsel representing the
petitioners and learned AC to GP-5 on behalf of the State.

This writ application has been preferred for quashing
of the first information report giving rise to Shashtri Nagar P. S.
Case No. 122 of 2018 dated 24.02.2018 instituted for the



offences alleged under Sections 290, 353/34 of the Indian Penal Code against the petitioners.

Learned Senior Counsel representing the petitioners submits that all these petitioners are students of Class X who were appearing in the Annual Secondary Examination, 2018 being conducted by the Bihar School Examination Board, Patna. The allegations against them is that on 23.02.2018 at 1:50 p.m. in the second sitting of the examination when the petitioners were restrained from entering into the examination hall after fixed time at 1:50 p.m., they disturbed the conduct of the examination. Referring to the written complaint giving rise to the first information report (Annexure-2), learned Senior Counsel submits that a bare reading of the first information report would show that the whole allegation against the petitioners is that they assembled on the main gate of the school and were creating hindrance in conduct of the examination. Learned Senior Counsel has a submission that the allegations are totally vague as there is no allegation at all that how these petitioners were creating hindrance in the examination from outside the main gate of the school. It is further submitted that the allegations in the first information report are against some anti social elements and parents of causing such hindrance. In



any view of the matter, learned Senior Counsel submits that there is no allegation against these petitioners, who are students at the young age, there is no allegation that they have indulged in any act of causing assault or otherwise causing harm bodily or otherwise to any person or property. It is submitted that the petitioners are the students of Class X only and are mostly juveniles and at this stage by making them accused in a criminal case, the informant is only criminalizing the people who have a future to contribute for the society and the country. Learned Senior Counsel submits that the first information report is fit to be quashed on the solitary ground that it does not disclose any offence against the petitioners and the allegations are completely vague in nature.

Mr. Iqbal Asif Niyazi, learned AC to GP 5 submits that pursuant to the order of the Court, he has called for the materials collected by the Investigating Officer in course of the investigation so far and on going through the same the only allegations which have been found is that the petitioners were creating some disturbance outside the gate when they were not allowed to enter into the examination hall as they reached at the centre with some delay. Learned AC to GP 5 has categorically stated, on being asked, that in the course of investigation no



other material has been collected or nothing has come to show that these petitioners have harmed anybody bodily or caused any damage to any property. They have not been found lashed with any arms and ammunition or any kind of weapons. Learned AC to GP 5 has gone through the materials which have been made available to him by the Investigating Officer and has made submission accordingly.

Having heard learned Senior Counsel for the petitioners, learned AC to GP 5 for the State and upon perusal of the records, this Court is of the considered opinion that the first information report could not make out a prima facie case for prosecution against these petitioners. Admittedly, these petitioners are the students of class X and it is alleged against them that they were taking examination but in the second sitting when they reached with some delay at the centre, they were stopped from entering into the examination hall and then at this point of time, outside of the main gate, they are said to have created hulla. A perusal of the first information report shows that the allegations of creating hindrance are against the anti social elements and some parents and there is only vague kind of reference with respect to the students. The materials collected in course of investigation do not disclose any prima-



facie commission of a cognizable offence. This being the position, finding that no offence is made out against the petitioners who are students of Class X, this Court would take a view that these petitioners cannot be allowed to be prosecuted and being harassed on the strength of the present first information report. It would not be in the interest of justice to continue with the prosecution.

In the result, first information report bearing Shashtri Nagar P.S. Case No. 122 of 2018 is quashed and the writ application stands allowed.

(Rajeev Ranjan Prasad, J)

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