

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.368 of 2017

Arising Out of PS. Case No.-77 Year-2016 Thana- DEHRI TOWN District- Rohtas

Sunil Kumar Yadav @ Sunil Yadav @ Sunil Kumar, son of late Nagina Yadav,
resident of village- Karbandia, P.S.- Sasaram Mufassil, District- Rohtas at
Sasaram

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Home (Police), Govt. of Bihar,
Patna
3. The Mines Commissioner, Department of Mines and Geology, Govt. of
Bihar, Patna
4. The Director General of Police, Bihar, Patna
5. The Additional Director General of Police, Bihar, Patna
6. The Inspector General of Police, Patna Range, Patna
7. The Deputy Inspector General of Police, Shahabad Range, Ara
8. The District Magistrate, Rohtas, Sasaram
9. The Superintendent of Police, Rohtas
10. The Sub-Divisional Officer, Dihri
11. The Sub-Divisional Officer, Sasaram
12. The Divisional Forest Officer, Sasaram
13. The District Mines Officer, Sasaram
14. The Sub-Divisional Police Officer, Dihri, Rohtas
15. The Sub-Divisional Police Officer, Sasaram
16. The Station House Officer, Police Station Dihri Town, Rohtas
17. The Station House Officer, Police Station Indrapuri, Rohtas
18. The Station House Officer, Police Station Dalmianagar, Rohtas
19. The Station House Officer, Model Police Station, Rohtas at Sasaram
20. The Station House Officer, Police Station Mufassil, Rohtas.

... .. Respondents

Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr.Md. N.H Khan Sc-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-07-2019

No one appears for the petitioner.

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for quashing
the first information report (for short 'FIR') of Dihri Town P.S.



Case No. 77 of 2016 dated 02.02.2016 registered inter alia under Section 379 of the Indian Penal Code and Sections 33, 41 and 42 of the Indian Forest Act.

3. On perusal of the FIR, it would appear that on receipt of an order from the High Court in CWJC No. 1252 of 2014 for preventing illegal mining in the forest area, a raiding team was constituted under the direction of the District Magistrate and the Superintendent of Police. On 02.02.2016 at 7.00 a.m. a confidential information was received that some miscreants are illegally operating stone crusher plants in the prohibited forest area. The confidential information was transmitted to the superior officers. The superior police officers constituted a raiding team consisting of Sub-Divisional Police Officer, Dehri, The Sub-Divisional Officer, Dehri, The Sub-Divisional Police Officer, Sasaram, Officers-in-charge of Indrapuri Police Station, Dalmianagar Police Station, Sasaram Town Police Station, Model Police Station, Sasaram and Sasaram Mufassil Police Station. The raiding team reached at the place of occurrence and found that all crusher plants were illegally operating in the restricted area. 13 illegal crusher plants were dismantled and seizure of properties were made. The FIR further goes to suggest that altogether 27 persons named in the FIR including the petitioner were involved in



illegal mining and operation of the crusher plants. It has also been alleged that boulders ere being stealthily brought by the accused persons from the forest area.

4. The offences alleged would certainly attract the ingredients of a cognizable offence. In that view of the matter, neither the institution of the FIR nor its investigation can be held to be bad in law.

5. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.07.2019
Transmission Date	26.07.2019

