

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.411 of 2017

Arising Out of PS. Case No.-41 Year-2016 Thana- PATNA GRP CASE District- Patna

Santosh Kumar son of Sri Ram Lagan Sao, Resident of Village- Chanda,
Police Station- Athmalgola, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Rail Police, Bihar, Patna.
3. The Inspector General of Rail Police, Patna.
4. The Deputy Inspector General of Rail Police, Patna.
5. The Senior Superintendent of Rail Police, Patna.
6. The Deputy Superintendent of Rail Police, Patna.
7. The Officer- in-Charge, Bakhtiyarpur, G.R.P., Police Station, Patna.
8. The Sub-Inspector of Police Station-cum-Investigating Officer, Bakhtiyarpur
G.R.P., Police Station
9. Samarth Kumar, son of Balram Vishwakarma, Resident of Mohalla-
Karbigahiya, near Tapo Sthan Mandir, Police Station- Jakkanpur, District-
Patna.

... .. Respondents

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 31-07-2019

No one appears for the petitioner. Learned
counsel for the State is present.

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
Bakhtiyarpur GRP, P.S. Case No.41 of 2016 dated 22.06.2016
registered under Section 392 of the Indian Penal Code.



3. On perusal of the aforesaid FIR registered on the basis of oral statement of Samarth Kumar recorded by S.I., Devendra Prasad Sharma of Rail Police, Fatuha, as contained in Annexure-1 to this application, I find that there is allegation that four unknown miscreants committed robbery in running train.

4. The allegations made in the FIR do attract ingredients of offence punishable under Section 392 of the Indian Penal Code. On perusal of the written report, it would appear that name of the petitioner transpired in course of investigation.

5. To hold investigation into a cognizable offence is the statutory right of the police.

6. Since the FIR constitutes a cognizable offence, there is no illegality either in institution of the FIR or its investigation.

7. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
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