

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.648 of 2017

Arising Out of PS. Case No.-8 Year-2016 Thana- GHOSWARI District- Patna

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1. Upendra Yadav son of Triloki Yadav,
 2. Rabindra Yadav,
 3. Devendra Yadav,
 - Both sons of Suresh Yadav,
 4. Khirodhi Yadav @ Khirodhi Kumar, son of Sakal Yadav,
 5. Bhola Yadav son of Daso Yadav,

All residents of village- Isha Nagar, P.S.- Ghoshwari, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through D. G. P. Bihar, Patna
2. Sanjay Singh @ Binod Prasad son of Late Sukhdeo Mahto, resident of village- Karkayan P.S.- Ghoshwari, District- Patna.

... .. Respondents

Appearance :

For the Petitioner/s : None

For the Respondent/s : Ms. Prachi Pallavi, AC to AG

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-08-2019

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

2. Perused the application filed by the petitioners under Article 226 of the Constitution of India. The prayer of the petitioner is for quashing the first information report (for short 'FIR') of Ghoshwari P.S. Case No.08 of 2016 registered inter alia under Sections 307 and 364 of the Indian



Penal Code and 27 of the Arms Act.

3. On perusal of the FIR, as contained in Annexure-1 to this application, I find that the informant Sanjay Singh has alleged in his written report submitted to the Officer Incharge of Ghoshwari Police Station that on 27.01.2016 while he was returning from his field along with his two brothers, one son and four labourers, five accused persons named in the FIR along with two or three unknown persons came. They opened indiscriminate firing. The informant, his brother and labourers started running hither and thither. However, the accused persons chased the informant, caught hold of him and thereafter assaulted and dragged him towards the field. But, in the meantime, his brother had informed the police. On seeing the police party, the miscreants fled away.

4. The allegations made in the FIR would certainly attract ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police.

5. The respondent State of Bihar has filed a counter affidavit. In paragraph 8 of the counter affidavit, it has been stated that in course of investigation allegations made in the FIR were found true and against the petitioner and two



others and the accused persons are evading arrest.

6. Having regard to the facts and circumstances of the case, I see no merit in this application.

7. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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