

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.652 of 2017

Arising Out of PS. Case No.-153 Year-2017 Thana- SUPAUL District- Supaul

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Kumar Karn @ Sunny Kumar Singh son of Amit Kumar Singh @ Bablo Singh, Resident of Panchgachia, P.O.- Panchgachia, P.S.- Bihra, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Superintendent of Police, Supaul.
4. The Station House officer, Supaul Police Station, Supaul.
5. The Station House Officer, Pirbahore Police Station, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Kanchan Kumar Singh, Advocate
For the Respondent/s : Mr. Md. Nashrul Hoda Khan, SC-1

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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 petitioner under Articles 226 and 227 of the Constitution of India. The prayer of the petitioner is for quashing the first information report (for short 'FIR') of Supaul P.S. Case No.153 of 2017 registered for the offences punishable under Sections 279, 337, 338 and 304A of the Indian Penal Code (for short



'IPC').

3. On perusal of the FIR, as contained in Annexure-1 to this application, I find that the informant has alleged that on 05.03.2017 his grand daughter Komal Kumari aged about eleven years was suddenly hit by a bullet motorcycle being driven by the petitioner in rash and negligent manner as a result of which she sustained grievous injuries. Thereafter, he took his grand daughter to Supaul Hospital. After initial treatment, he was referred to Saharsa. She was admitted in Gayatri Nursing Home, Saharsa where she was treated for four days and was then referred to Sadar Hospital, Saharsa. The doctors of Sadar Hospital, Saharsa after providing first aid, referred her to Patna. Thereafter, the victim was admitted in G.M. Nursing Home, Patna and from there she was sent to Patna Medical College Hospital where the victim died on 09.03.2017.

4. On the basis of the aforesaid allegations, the informant alleged that death of his grand daughter was caused due to rash and negligent driving of the motorcycle by the petitioner. The allegations made in the FIR would clearly attract the ingredients of a cognizable offence.

5. The police has statutory right to investigate a cognizable offence.



6. In that view of the matter, the institution of the FIR against the petitioner by the police cannot be held to be bad in law.

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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