

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1410 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Indra Bhushan Yadav, S/o Loknath Yadav, R/o Vill.- Murbaria, P.S.- Piparia,
District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Vigilance Department , Patna.
3. The Additional Mahanideshak, Vigilance Investigation Bureau, Patna.
4. The Inspector General of Police, Vigilance Investigation Bureau, Patna.
5. Anupum Toni, D/o Maheshwari Prasad Singh, village-Walipur, P.S.- Piparia,
District- Lakhisarai.
6. Satyanarain Pandit, S/o Harilal Pandit, R/o Vill.- Abhaipur- Masudan, P.S.-
Abhaipur, District- Lakhisarai.
7. Sushil Kumar, S/o Jageshwar Prasad Yadav, R/o Vill.- Anandpur , P.S.-
Suryagarha, District- Lakhisarai.
8. Anjani Kumar Singh, S/o Narsingh Singh, R/o Vill.- Ramchandrapur, P.S.-
Piparia, District- Lakhisarai.
9. Ramchandra Prasad Vimal, S/o Sri Shiv Shankar Yadav, Block Education
Officer Piparia, Prakhand- Piparia, District- Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner : Mr. Dhananjay Mishra, Advocate
For the Respondents-State: Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-07-2019

In the instant application, the petitioner has prayed for
issuance of a direction to the respondent nos. 2 to 4 to register a
police case against respondent nos. 5 to 9.



2. Learned counsel appearing for the petitioner submitted that the police are in collusion with respondent nos. 5 to 9, who used to sell the government donated books of the primary and middle class students reading in Piparia Block of Lakhisarai district.

3. Learned counsel for the petitioner admitted that in this regard, he has never approached the Officer-in-charge of the police station for institution of the first information report.

4. Learned counsel appearing for the State submitted that the petitioner is not informed properly about the action taken by the State in respect of the allegation made by him. As a matter of fact, Piparia P.S. Case No.1 of 2017 dated 06.01.2017 has already been registered under Section 409 of the Indian Penal Code on the basis of an information given by respondent no.9, Ramchandra Prasad Vimal, against respondent nos. 5 to 8 on the allegation that they unauthorisedly sold the books donated by the government. He contended that the aforesaid respondents have already been granted bail in Piparia P.S. Case No.1 of 2017. A counter affidavit in this regard has also been filed by the respondents.



5. The assertions made in the counter affidavit filed on behalf of the Superintendent of Police have not been controverted by the petitioner.

6. Since a police case in respect of the offence alleged by the petitioner has already been instituted, there can not be a second first information report in respect of the same offence. Even otherwise, if the informant has any information regarding commission of a cognizable offence, it is for him to approach the Officer-in-charge of the police station concerned under Section 154(1) of the Code of Criminal Procedure for the institution of first information report.

7. In view of the discussions made above, I see no merit in this application.

8. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2019
Transmission Date	NA

