

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.664 of 2019

Arising Out of PS. Case No.-724 Year-2018 Thana- SASARAM NAGAR District- Rohtas

1. Vijay Kumar Singh @ Vijay Singh @ Vijay Mahto aged about 48 years, Male Son of Girdhari Mahto Residents of Mohall- Takiya, P.S.- Sasaram Model ,District- Rohtas
2. Prabhunath Singh @ Prabhunath Mahto aged about 26 years, Male, Son of Late Laxaman Singh @ Laxman Mahto Resident of Mohalla- Takiya, P.S.- Sasaram Model, District- Rohtas

... .. Petitioners

Versus

1. The State of Bihar
2. The Director General of Police, Bihar
3. The Superintendent of Police, Rohtas.
4. The Officer in - Charge, Sasaram, Model Town, Rohtas
5. The Officer-in-charge, SC/ST P.S.- Dehri-On- Sone, Rohtas

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Alok, Advocate
For the Respondent/s	:	Mr.M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-04-2019

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 Sasaram Model Town P. S. Case No. 724 of 2018 dated 07.05.2018 registered under Sections 147, 149, 341, 323, 448, 379, 504, 506 and 354 of the India Penal Code, Sections 3(1)(i)(r)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 27 of the Arms Act.



2. It is contended on behalf of the petitioners that the informant and her family members have lodged multiple cases against the petitioners. A title suit is going on between the parties and the FIR of the present case has been instituted with the sole motive to create pressure upon the petitioners so that they may give up their claim in the tittle suit.

3. Per contra, learned counsel for the State submitted that the defence taken by the petitioners cannot be made ground for quashing the FIR. The allegations made in the FIR are quite serious and they do attract the ingredients of the offences alleged.

4. On perusal of the FIR, as contained in Annexure-1 to the present application, it would appear that the informant Smita Prasad has alleged in her written report submitted to the Officer-in-charge of Sasaram Model Town Police Station that on 06.05.2018, at 9 a.m., when she along with her mother-in-law and husband was engaged in house construction work, Dhananjay Mahto came with pistol and fired on her husband Rajesh Prasad with intention to kill him. In the meanwhile, when her husband went inside the house to save his life, petitioner no. 2 Prabhunath Singh @ Prabhunath Mahto came with an iron rod and hit her husband on his head with intention to kill him but the iron



rod hit the back of her husband. On hearing her cry, the security guard of her husband Ramesh Thakur came and caught hold petitioner no. 2 Prabhunath Singh @ Prabhunath Mahto and informed the police on mobile phone. Meanwhile, Harihar Mahto, Lalli Mahto and Vijay Mahto (petitioner no. 1) forcibly entered into her house. Harihar Mahto twisted the hands of her sister-in-law Dharmsheela Devi and caught her hair telling that she will be disrobed and paraded naked in the street. Accused Deepak Mahto and Lalli Mahto with bad intention caught her and started touching her face and cheeks. They abused them taking their caste name.

5. The allegations made in the FIR do attract the ingredients of the offences alleged. The plea of innocence taken by the petitioners can be seen by the police in course of investigation. Such plea cannot be made a ground for quashing the FIR. It is not even disputed by the petitioners that the allegations do not constitute the offence alleged. Thus, institution of an FIR, on the basis of a reported case of cognizable offence cannot be held to be bad. The culpability or otherwise of the petitioner can be seen by the police during investigation. The role of the court would start only after the investigation is completed and a police report is submitted.



6. In view of the above discussions, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
Transmission Date	23.04.2019

