

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27178 of 2015

Arising Out of PS. Case No.-459 Year-2013 Thana- ARARIA District- Araria

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DR. SUDHARSHAN JHA Son of Arjun Jha Resident of village - Kharia,
Police Station - Araria, District - Araria

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mukesh Kumar Saha, officer Incharge, Police Station - Araria, District -
Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anamul Haque

For the Opposite Party/s : Mr.Binod Kumar 3 APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 14-11-2019 Heard Mr. Anamul Haque, the learned counsel for

the petitioner and Mr. Chakrapani, learned counsel for

Opposite Party No. 2 as well as the counsel for the State.

The petitioner, who is a medical professional, seeks

quashing of the order dated 08.08.2014 passed by the Chief

Judicial Magistrate, Araria in connection with Araria P. S.

Case No. 459 of 2013, whereby cognizance has been taken



for the offences under Sections 143, 342, 323, 353, 435, 504 and 506 of the Indian Penal Code.

The allegation in the F.I.R. is that as part of public protest against some incident which was directed against the police, road was blockaded and free flow of traffic was impeded. The irate mob indulged in brick-bats which led to injury on the person of the informant who is a police officer. The petitioner though has been named in the F.I.R. but no specific overt act has been alleged against him.

The learned counsel for the petitioner submits that the petitioner, who is doctor, has no occasion to incite the mob or was in any way affected by any inaction of the police against which the crowd had collected and had blocked the road. Only because the petitioner came out of his clinic, which is situated at a prominent place in the city where such kind of congregation was held, he was identified by the informant and named in the F.I.R.

It has further been submitted that the investigation reports do not speak of any active participation of the petitioner but only because he was named by the informant /



police officer, charge-sheet has been submitted.

Apart from this, it has been urged by the learned counsel for the petitioner that the occurrence took place in the year 2013 and the petitioner did not have any motive to cause any hurt to the informant or to cause any impediment in the even flow of traffic. No useful purpose would be served in continuing with the prosecution after passage of such a long time when identification of the petitioner as part of the mob also is not supported by any cogent evidence.

The petitioner being a prominent person of the locality may have been identified by the informant but absence of any specific accusation against him makes his implication rather suspect.

Considering the aforementioned aspect of the matter and taking into account that the proceeding as against the petitioner remained stayed by the order of this Court as well as the futility of continuation with the prosecution, this Court, in exercise of powers under Section 482 of the Code of Criminal Procedure, deems it appropriate and sets aside the order of cognizance and all criminal



prosecution arising therefrom so far as the petitioner is concerned.

The application stands allowed.

(Ashutosh Kumar, J)

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