

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.547 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

Mukesh Ranjan, Son of Jai Mangal Prasad, Resident of village- Dani Tole
Bochaha, Vidyapati Nagar, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Samastipur
4. The S.H.O., Vidyapati Nagar Police Station, District- Samastipur
5. Rishikesh Bharti, Son of Ram Bahadur Bharti, Resident of C- 68, Sector 49
Noida, Ghaziabad (Uttar Pradesh)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Jha, Advocate Mr. Bhola Prasad, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-04-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Article 226 of the Constitution
of India has been filed by the petitioner for quashing the first
information report (for short 'FIR') of Vidyapati Nagar P.S. Case
No. 06 of 2019 registered for offence under Sections 147, 323,
341, 379, 504 and 506 of the Indian Penal Code.

3. It is submitted by Mr. Bhola Prasad, learned counsel
for the petitioner that the allegations made in the FIR do not attract



ingredients of the offences alleged. In that view of the matter, even if the entire allegations made in the FIR are taken to be true, no cognizable offence is made out. In absence of any cognizable offence, institution of an FIR and its investigation is bad in law.

4. *Per contra*, learned counsel for the State submitted that the allegations made in the FIR would clearly attract ingredients of the offences alleged, which are cognizable in nature. To hold investigation into cognizable offence is the statutory right of the police. In that view of the matter, neither the institution of the FIR nor its investigation can be held to be bad in law.

5. Having heard learned counsel for the parties and perused the FIR as contained in Annexure-1 to the present application, I find that the same has been instituted on the basis of written report of one Rishikesh Bharti, Officer-in-Charge, Vidyapati Nagar police station. In his written report, he has stated that he is the karta of the HUF firm, namely, R.B. Bharti & Sons. M/s R.B. Bharti and Sons is a registered contractor of the State Government. It was awarded work order for construction of RCC bridge on the Baya river by the Rural Works Division, Patori. On 03.01.2019, between 6:00 a.m. and 6:00 p.m., the petitioner along with 20 to 25 miscreants looted away building materials worth Rs. 40 lakhs from the site of the project. It is further stated that prior to



the alleged incident the petitioner had demanded ransom for which also a written information was given to the police.

6. The allegations made in the FIR are quite serious. They would certainly attract ingredients of a cognizable offence. It is rightly submitted by the learned counsel for the State that to hold investigation into a cognizable offence is the statutory right of the police.

7. In that view of the matter, I see no merit in the challenge made by the petitioner for quashing the FIR in question.

8. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2019
Transmission Date	15.04.2019

