

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1099 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- KATEYA District- Gopalganj

Vibhuti Narayan Rai @ Bibhuti Narayan Ray son of Late Suresh Chandra Ray. Resident of Village - Belhi Dih, P.O. - Belhi Khas, P.S. and Block- Kateya, District - Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Zone, Muzaffarpur.
4. The Deputy Inspector General of Police, Saran Division, Chapra.
5. The Superintendent of Police, Gopalganj, District - Gopalganj.
6. The Sub-Divisional Police Officer, Sub-Division- Hathua, District- Gopalganj.
7. The Station Head Officer (S.H.O.), Police Station-Kateya, District- Gopalganj.
8. The Principal Secretary, Department of Environment, Forest and Climate Change, Govt. of Bihar, Patna
9. The Principal Chief Conservator of Forest, Deptt. of Environment and Forest, Govt. of Bihar, Patna.
10. The Chief Forest Conservator-cum-Director, Hariali Mission, Deptt. of Environment and Forest, Govt. Bihar, Patna
11. The Regional Chief Conservator of Forest, Muzaffarpur.
12. The Forest Conservator, Forest Circle, Siwan.
13. The Divisional Forest Officer, Forest Division, Gopalganj, District- Gopalganj.
14. The Forest Ranger, Range- Bhore, District - Gopalganj.
15. The Forester, Bhore, District - Gopalganj.
16. Madan Kumar son of Late Ram Lakhan Prasad, Resident of Village- Sandha, P.S.- Chapra Muffassil, District - Saran at Chapra. Presently posted as Forest Protector, Forest Range, Bhorey, P.S.- Bhorey, District- Gopalganj.
17. Lal Babu Yadav son of Kapil Deo Yadav, Resident of Village - Bhopatpur, P.S.- Kateya, District - Gopalganj. Presently posted as Cattle Protector, Forest Range, Bhore, P.S.- Bhore, District - Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate



For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-07-2019

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

2. The sole defect, as pointed out by the
registry, is ignored.

3. This application has been filed by the
petitioner for quashing the first information report (for short
'FIR') of Kateya P.S. Case No.56 of 2019.

4. Learned counsel for the petitioner submitted
that the allegations made in the FIR regarding breach of trust is
false. Ten Sheesham (Indian rosewood) tree, which were given
to the petitioner by the informant on *Zimmanama* were returned
to him, but he has falsely alleged that six Sheesham trees were
not returned.

5. *Per contra*, learned counsel for the State
submitted that in the FIR there is specific allegation that the
informant, a forester, had entrusted ten Sheesham trees, which
were illegally felled, to the petitioner after taking *Zimmanama*.
However, on demand, he returned only four illegally felled trees
and misappropriated six of the trees. He contended that the said
allegation would certainly attract ingredients of a cognizable



offence.

6. I have heard learned counsel for the parties and perused the FIR as contained in Annexure-1 to this application. The Sheesham trees are protected under the Indian Forest Act. The allegations made in the FIR do attract ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police. Thus, neither the institution of the FIR nor its investigation can be held to be bad.

7. Accordingly, 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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