

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.898 of 2019

Arising Out of PS. Case No.-487 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

-
1. Kamlesh Yadav Son of Late Yogendra Yadav
 2. Ganesh Yadav Son of Kamlesh Yadav
- Both are resident of village - Bhadva, P.S.- Darbhanga Sadar,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar Patna
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General, Darbhanga
4. The Superintendent of Police, Darbhanga
5. The Officer In Charge, Darbhanga Sadar Police Station - Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramashankar Singh, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2019

Heard learned counsel for the petitioners and

learned counsel for the State.

2. This application under Article 226 of the Constitution of India has been filed by the petitioners for quashing the FIR of Darbhanga P.S. Case No.487 of 2016 registered under Section 302 with 34 of the Indian Penal Code.

3. On perusal of the FIR, as contained in Annexure-1 to this application, I find that the informant Ramchandra Yadav has specifically alleged that, on hearing the



cry of his son Phool Deo Yadav @ Phool Babu Yadav, when he reached at the place of occurrence, he found that his son was restless. He ran to bring water for him, but, in the meantime, he died. He has further alleged that since a land dispute was going on with the petitioners, they have physically assaulted his son as a result of which he died.

4. The allegations made in the FIR do attract ingredients of the offence under Section 302 of the Indian Penal Code. To hold investigation into a cognizable offence is the statutory right of the police.

5. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

