

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1175 of 2018

Arising Out of PS. Case No.-454 Year-2017 Thana- NAUTAN District- West Champaran

1. Jaleshwar Yadav, S/o Sheoraj Yadav,
 2. Amika Yadav S/o Late Sahoran Yadav,
- Both are R/o Village- Bariyarpur, Nautan Khas, Mangalpur Kala Panchayat,
P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police, Head Quarter, Government of Bihar, Patna.
4. The Inspector General of Police, Tirhut Range, Muzaffarpur, Bihar.
5. The Superintendent of Police, Bettiah, West Champaran.
6. The S.H.O. of Nautan Police Station, District- West Champaran.
7. Kashi Nath Yadav, S/o Raja Yadav, R/o Village- Bariyarpur, Nautan Khas, Mangalpur Kala Panchayat, P.S.- Nautan, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No.-7, Advocate Mr. Anant Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar 'Ghosarvey', AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 15-02-2019

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

2. This writ petition has been filed by the petitioners for quashing the first information report of Nautan P.S. Case No.517 of 2017 dated 05.11.2017 registered under Sections 341, 427, 435 and 504 read with 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submitted that the first information report instituted against the petitioners is malicious in nature. A dispute relating to land is pending between



the parties since long and just in order to put pressure upon the petitioners repeated criminal cases are being lodged against them.

4. *Per contra*, learned counsel appearing for the State submitted that the allegations made in the first information report attract ingredients of cognizable offence. The defence of the petitioners that the first information report has been instituted with ulterior motive cannot be looked into by this Court at this stage. In course of investigation, it is for the police to examine the veracity of the allegation and submit a report before the court.

5. I have heard learned counsel for the parties and perused the first information report as contained in Annexure-1 to the present application.

6. One Kashi Nath Yadav submitted a written report to the Officer-in-charge of Nautan Police Station, Bettiah on 05.11.2017 on the basis of which the first information report has been instituted and investigation has been taken up. In his written report, he has alleged that in the night at about 2:00 a.m., the petitioners and six others named in the first information report set the house of the petitioners on fire in which one goat was burnt alive.

7. The allegation made in the first information report would clearly attract ingredients of cognizable offence.



8. To hold investigation into a cognizable offence is the statutory right of the police. At the stage of investigation, the court has no role to play. The allegation of malice can be looked by the police in course of investigation and not by this Court at this stage. Simply because there is some dispute relating to land, a first information report giving rise to a cognizable offence cannot be quashed.

9. In that view of the matter, I see no merit in this application. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.02.2019
Transmission Date	19.02.2019

