

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1203 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- BASANTPUR District- Siwan

Khlikul Rahman Khan @ Sonu Khan son of Motiur Rahman Khan, resident
of village - Shekhpura, Police Station - Basantpur, District - Siwan.
... .. Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar
2. The Director General of Police, Bihar, Patna.
3. The D.I.G. Saran, Chapra.
4. The Superintendent of Police, Siwan.
5. The S.H.O. Basantpur Police Station, Basantpur, District-Siwan.

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate
For the State : None

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 20-08-2019

Heard learned counsel for the petitioner.

2. This application has been filed by the petitioner under Articles 226 and 227 of the Constitution of India for quashing the First Information Report (for short 'FIR') of Basantpur P.S. Case No.59 of 2019 registered under Section 25(1-B)(a), 26 and 35 of the Arms Act.

3. Learned counsel appearing for the petitioner submitted that though name of the petitioner is Khlikul Rahman Khan, the police are trying to apprehend him in the name of Sonu Kumar. He submitted that the petitioner was not present at the place of occurrence on 02.03.2019 when the alleged recovery of a 9 M.M. loaded pistol made in USA was made



from possession of one Aftab Khan. At that time, he was not in India and was doing job in Kuwait. He contended that the allegations made in the FIR that the petitioner had supplied the alleged pistol to the accused from whom it was recovered is totally false and fabricated.

4. No one appears on behalf of the State.

5. Having heard learned counsel for the petitioner and perused the FIR, I find that the allegations made in the FIR would certainly attract the ingredients of a cognizable offence.

6. To hold investigation into a cognizable offence is the statutory right of the police. The defence of innocence taken by the petitioner cannot be made a ground for quashing the FIR. The plea of alibi taken by the petitioner can be considered by the police in course of investigation. At this stage, the court cannot record its findings on the plea of alibi.

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

Md. S/-

(Ashwani Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
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