

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1301 of 2019

Arising Out of PS. Case No.-168 Year-2019 Thana- KAUWAKOL District- Nawada

Shushil Kumar Sao @ Sonu @ Shushil Kumar, aged about 27 years, male,
Son of Bhushan Kumar Sao @ Bhushan Saw, Resident of Rani Bazar, P.S.-
Kawakol, District-Nawada.

... .. Petitioner

Versus

1. State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. Chief Secretary, Govt. of Bihar, Patna.
3. The Directorate General of Police, Bihar, Patna.
4. The S.P., Nawada at Nawada.
5. The Dy.S.P., Nawada, at Nawada.
6. The Station Head Officer, Kawakol Police Station Kawakol, Nawada.
Nawada.
7. Investigating Officer, Kawakol PS case no.168/19, Kawakol, Nawada.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Amresh Kumar Sinha-Advocate
For the Respondents	:	Mr. Md. Nadim Seraj-G.P.-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

16-09-2019

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

2. This application under Article 226 and 227 of
the Constitution of India has been filed by the petitioner for
quashing of the F.I.R. of Kawakol P. S. Case No.168 of 2019
dated 22.06.2019 registered inter alia under Sections 341, 323,
354(B), 307, 379, 504, 506, 34 of the I.P.C.

3. It is submitted by the learned counsel for the
petitioner that the petitioner is a student and a social activist. He



comes from a weaker sections of the society and is preparing for higher studies. Since he had supported the present local Mukhiya, whose name also figures in the F.I.R., his name has maliciously been given by the informant as an accused in his written report with an intent to humiliate and harass him.

4. On query, learned counsel for the petitioner submitted that the case is still at the stage of investigation.

5. On the other hand, learned counsel for the State submitted that there is specific allegation in the F.I.R. by the informant that one Monu Kumar alias Anant Kumar, a student, caught hold of her hand and started teasing her. He outraged her modesty and dragged her towards a lovely place. When she raised alarm, her husband Binod Kumar came to her rescue. However, Monu Kumar started assaulting him. Thereafter, the petitioner and others also participated in the assault upon the husband of the informant as a result of which, he sustained grievous injuries for which, he was taken to Primary Health Centre, Kawakol. He contended that the allegations made in the F.I.R. would clearly attract the ingredients of cognizable offence. Hence, no case for quashing of the F.I.R. is made out.

6. Having heard learned counsel for the parties and perused the allegations made in the F.I.R. as contained in



Annexure-1 in the application, I find submission made on behalf of the State to be correct. The allegations made in the F.I.R. do attract the ingredients of cognizable offence. To hold an investigation into a cognizable offence is the statutory right of the police.

7. In that view of the matter, neither any illegality can be found in the action of the police in institution of the F.I.R. or its investigation.

8. The application being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.09.2019
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