

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.308 of 2019

Arising Out of PS. Case No.-576 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. Ashraful Haque @ Asrarul Haque, son of Md. Israil
 2. Md. Anwarul Haque, Son of Md. Israil
- Both are resident of Village- Tupamari, P.O.- Belwa, Police Station and District-Kishanganj.

... .. Petitioners

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. Inspector General of Police, Darbhanga.
4. Deputy Inspector General of Police, Purnea.
5. Superintendent of Police, Kishanganj
6. Station House officer, Kishanganj, District- Kishanganj, Bihar.
7. Mines Inspector-cum-Competent Officer, Department of Mines, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Ranjan, Advocate
For the Respondent-State:	Mr. Gyan Prakash Ojha, GA-7
For the Mining Department:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 05-02-2019

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 Kishanganj P.S. Case No.576 of 2018 registered under Sections 379, 323, 353, 341, 504 and 506/34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the petitioners that the allegations made in the first information report are vague and in absence of any specific allegation made against the petitioners, the investigation of the case would be an



abuse of the process of the court.

4. On the other hand, learned counsel appearing for the State submitted that some persons were found involved in excavating sand at Bavanduba Ghat No.71 on 07.09.2018 at about 10:30 a.m. The informant and office peon Raghubir Rai stopped them from mining sand illegally. The persons involved in the illegal act called the petitioners on mobile and also called some others. Thereafter, both of them along with 5-7 persons came there and forcibly made the tractors ladden with illegally mined sand to flee away and threatened to kill the informant and other person. They also abused and pushed them and the mobile of the informant and Rs.2,000/- was snatched away. He submitted that the aforesaid allegation would clearly attract ingredients of a cognizable offence. Hence, there is no merit in the prayer of the petitioners to quash the first information report.

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

6. The allegations made therein do constitute ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police.

7. In that view of the matter, neither the institution



of the first information report nor its investigation can be held to be bad in the eyes of law.

8. Accordingly, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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