

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1118 of 2016

Arising Out of PS. Case No.-135 Year-2016 Thana- BANMANKHI District- Purnia

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1. Naresh Yadav son of Madan Yadav, resident of village- Chakla, Banmankhi, Ward No.4, P.S.-Banmankhi, District- Purnea
 2. Thakur Ranjeet Singh @ Raju Singh, son of Arvind Singh, resident of village- Rajhat, Ward No.13, P.S.-Banmankhi, District- Purnea
 3. Mithilesh Kumar Yadav @ Mithilesh Yadav son of Shambhu Yadav, resident of village- Damgara, P.S.-Dhamdaha, District- Purnea
 4. Vishal Kumar @ Vishal Kumar Yadav @ Vishal Yadav, son of Bauku Yadav, resident of village- Banmankhi, Ward No.5, P.S.-Banmankhi, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Deputy Inspector General of Police, Purnea
3. The Superintendent of Police, Purnea
4. The Sub Divisional Police Officer, Banmankhi, District- Purnea
5. The Officer Incharge, Banmankhi, District- Purnea
6. Smt. Meera Devi wife of Upendra Yadav, resident of village- Chakla, Banmankhi, Ward No.5, P.S.-Banmankhi, District- Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.Parth Sarthi, GA-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-01-2019

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 FIR of Banmankhi P.S. Case No.135 of 2016
registered under Sections 323, 307, 379, 384, 427, 447, 448, 504
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

3. On perusal of the FIR, as contained in Annexure-1



to the writ petition, I find that a cognizable offence punishable under Section 384 of the Indian Penal Code is clearly attracted. To hold investigation in case of cognizable offence is the statutory right of the police. Hence, neither institution of the FIR nor its investigation can be held to be bad in law.

4. In that view of the matter, I see no merit in the present writ petition. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.01.2019
Transmission Date	09.01.2019

