

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1447 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- JURAWANPUR District- Vaishali

Sanjeev Singh @ Baua, Son of Late Nirsu Singh, Resident of Village -
Chaksigar, P.S.- Jurabanpur, District- Vaishali, Bihar

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar
2. The Superintendent of Police, Vaishali at Hajipur.
3. Deputy Superintendent of Police, Vaishali at Hajipur.
4. S.H.O./ Officer in charge of Jurabanpur Police Station.
5. Rakesh Kumar Singh, Son of Rajkumar Singh @ Pintu Singh, Resident of Village - Chaksingar, P.S.- Jurawanpur, District- Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Alok Kumar Jha, Advocate Mr. Yashraj Bardhan, Advocate
For the Respondents	:	Mr. Surendra Kumar Mishra, Advocate Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 23-10-2019

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

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for quashing the First Information Report (for short 'FIR') of Jurabanpur P.S. Case No.4 of 2019 dated 13.01.2019 registered under Sections 341, 323, 324, 307 read with 34 of the Indian Penal Code and later converted under section 302 of the Indian Penal Code along with 27 of the Arms Act. The petitioner has also prayed for quashing of the charge-sheet and other



consequential proceedings thereafter.

3. The contention of the petitioner is that during pendency of the investigation, family members of the petitioner had filed several representations before the concerned authorities and made a prayer that the petitioner and other family members have been implicated in the present case due to previous grudge and enmity. They stated in their representation that the informant had previously implicated the petitioner and his family members in connection with Jurabanpur P.S. Case Nos.4 of 2019, 69 of 2011 and 5 of 2013. They also further stated in the representation that on the alleged date of occurrence even petitioner was not present at the spot and had gone to Patna by the motorcycle and moved around Bailey Road to Uma Cinema and Shalimar Road, Patna and was having phone nos.9308287401, 7781838680 and 943105926. It was requested that the aforesaid averments be verified by the CCTV footage dated 10.01.2019 from 6:00 a.m. to 6:00 p.m. to find location of motorcycle of the petitioner from the cameras installed at traffic signals from Bailey Road to Uma Cinema, Patna and to verify CCTV footage installed at Shalimar more traffic signals, Patna.

4. It has been contended by the learned counsel



for the petitioner that the representations filed by the family members of the petitioner have not been considered by the police officials and they have taken up the investigation in a very casual and insensitive manner as a result of which the petitioner and his family members are facing undue harassment.

5. On perusal of the FIR in question, I find that the informant Rakesh Kumar Singh has alleged in his written report dated 13.01.2019 that when he went to the house of one Naval Rai in Raghopur to collect the amount of Rs.90,000/- left to him, at about 10:00 a.m., while he was returning after taking the money and reached near Balatar Chowk near the shop of Harendra Rai, Harendra Rai, Umesh Rai, Sanjeev Rai @ Baua, Satendra Singh, Devendra Singh and Lalbabu Singh and two other unknown persons surrounded him. Umesh Rai had a rifle in his hand. Satendra Singh snatched the money from him. Harendra Rai ordered them as what they were seeing, upon which Harendra Singh and Sanjeev Singh @ Baua (petitioner), who were armed with country-made pistol in their hands started firing upon his father. The bullet fired by them stuck on his back. It is further alleged in the written report that Lalbabu Singh told them to move away whereafter they all escaped towards the north opening fire. The informant went to the police



station and with help of the police, his father got treatment at Patepur and thereafter, he was referred to NMCH, Patna from where he was referred to PMCH, Patna. He was then taken to Sai Ram Hospital, Kankarbagh, Patna where he succumbed to the injury.

6. The aforesaid allegations made in the FIR would directly and specifically implicate the petitioner in the alleged commission of crime. The plea of *alibi* or of false implication taken by the petitioner can not be a ground for quashing the FIR. The defence has to be established by the petitioner in course of trial. Moreover, the petitioner or his family member can not dictate the mode and manner of investigation.

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

8. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2019
Transmission Date	24.10.2019

