

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1201 of 2016

Arising Out of PS. Case No.-325 Year-2013 Thana- KUCHAIKOTE District- Gopalganj

Neyaz Ahmad @ Neyaz Mia, Son of Mansoor Alam @ Mansoor Mia,
Resident of Village- Hiranda, P.S.- Kuchaikote, District- Gopalganj and
presently residing at United Arab Emirates (U.A.E.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Dy. Inspector General, (D.I.G.), Saran Range at Chhapra.
5. The Superintendent of Police, Gopalganj.
6. The S.D.P.O., Gopalganj.
7. The S.H.O., Kuchaikote Police Station, Gopalganj.
8. The Investigating Officer of P.S. Case No. 325/2013.
9. Uma Shanker Yadav, Son of Late Nagina Yadav, Resident of Village-
Maniyara, P.S.- Kuchaikote, District- Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Prasad, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-01-2019

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

2. This writ petition has been filed by the petitioner
for quashing the first information report (for short 'FIR') of
Kuchaikote P.S. Case No. 325 of 2013 dated 15.12.2013
registered inter alia under Sections 307 and 379 of the Indian
Penal Code.

3. The FIR under challenge was instituted pursuant



to a complaint instituted in the court of Chief Judicial Magistrate, Gopalganj having been referred to the police in exercise of powers conferred under Section 156(3) of the Code of Criminal Procedure for investigation.

4. The allegations made therein do attract ingredients of a cognizable offence. To hold investigation into a cognizable offence is the statutory right of the police. Moreover, it is not known as to what is the stage of the investigation of the case as the FIR was instituted more than five years ago. Since there was no illegality either in institution of the FIR or its investigation, I see no merit in the writ petition.

5. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.01.2019
Transmission Date	10.01.2019

