

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.477 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- DHANSOI District- Buxar

Shankar Choudhary @ Shankar Bhagwan S/O Ramayan Choudhary R/O
Village-Parsada (Khoraitha), P.S.-Dhansoi, District-Buxar.

... .. Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Home Deptt. Govt. Of Bihar, Patna.
2. The Director General Of Police, Bihar, Patna.
3. The Superintendent Of Police, Buxar, Bihar
4. The Sub-Divisional Police Officer-Cum-Supervising Officer Of Dhansoi P.S. No.124/2020,Buxar,Bihar
5. The Station House Officer, Dhansoi Police Station, Buxar, Bihar. Buxar
6. The Investigating Officer Of Dhansoi P.S. Case No.124/2020, Dhansoi P.S., Buxar, Bihar. Buxar,

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate
For the Respondent/s : Mr.Manish Kumar, GP 4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-04-2022 The present writ application has been filed for the
following reliefs:-

“(I) For a writ in the nature of mandamus, or order or direction commanding the respondents, especially the investigating officer and the supervising officer of Dhansoi P.S. Case No. 124 of 2020, to conduct a fair and proper investigation in the plea of alibi of the petitioner, that at the alleged date of occurrence (i.e. 03.07.2020), the petitioner was in village – Jipur, District – Morbi in state of Gujarat where he was employed as grinding and polishing department supervisor in Amor Industries, and thus there is no probability that the petitioner could be involved in the alleged offence occurring in village - Parsada, police



station -Dhansoi, District – Buxar.

(II) Be pleased to direct the respondents not to take any coercive action including arrest against the petitioner without conducting the fair and proper in the plea of alibi of the petitioner.

(III) In alternate, the petitioner prays for quashing of the FIR of Dhansoi P.S. Case No. 124 of 2020 registered on 03.07.2020 under Sections 147, 148, 149, 341, 323, 332, 337, 353, 307, 427, 504 of the Indian Penal Code.

(IV) For any other relief in the facts and circumstances of the case as may be admissible to the petitioner.”

A counter affidavit has been filed in this case and paragraph ‘6’ of the said counter affidavit states that the Investigating Officer of this case is already investigating the matter from all angles, which is still in progress.

In pragraph ‘10’ of the counter affidavit, which is in reply to paragraph ‘7’ of the writ application, it is stated that the plea taken by the petitioner is subject matter of investigation and if the said plea is found true during investigation then certainly police shall exonerate the petitioner but at this juncture, the same does not warrant any interference of this Court.

Although the petitioner has filed this petition for the reliefs inter alia seeking quashing of the First Information Report but in view of the statements made in the counter affidavit, this Court does not find it just and proper to scuttle



the investigation by quashing the FIR at this stage.

Let the investigation be completed. The Superintendent of Police or whosoever is supervising the case in question will ensure that the case is duly investigated from all the angles as stated in the counter affidavit.

In case the investigation results in filing of chargesheet and subsequent order taking cognizance, it will be open for the petitioner, if so advised, to seek his relief in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

