

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.705 of 2022**

Arising Out of PS. Case No.-222 Year-2019 Thana- CHHATAUNI District- East Champaran

Hazari Sah Son Of Late Vasudeo Sah Resident Of Village - Mathia Dih
Tower, Ward No.17, P.S.- Chatauni, Distt.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal secretary, Home Deptt. , Govt. of Bihar, Patna.
2. The Superintendent of Police, East Champaran at Motihari.
3. The Officer In Charge Chhatauni, East Champaran at Motihari.
4. Shri Nityanand Chauhan , Officer In Charge, Chhatauni, East Champaran at Motihari.
5. Dipak Agrahari Son of Ramayan Prasad Resident of Village - Mathiya, P.s.- Chhatauni, Distt.- East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-08-2022 Heard learned counsel for the petitioner.

The petitioner in the present case is seeking quashing of the first information report giving rise to Chhatauni P.S. Case No. 222 of 2019 dated 28.05.2019 registered for the offences under Sections 270, 272, 279, 337, 338/34 of the Indian Penal Code and Sections 37(b)(c) and 30(a) of the Bihar Prohibition and Excise Act. Further prayer of the petitioner is to issue a mandamus directing the respondents to hold enquiry regarding the allegation of the petitioner of institution of false cases at the instance of one Dipak Agrahni, a middleman of the Chhatauni



Police Station who according to the petitioner wanted to grab/purchase the homestead of the petitioner.

On perusal of the first information report, this Court finds that a Sub-Inspector of Police of Chhatauni police station has lodged the FIR. He has alleged that on a secret information that some illicit liquors are being transported, he intercepted a tempo which was without a number plate, in the process when the tempo driver started running on seeing the police party, he got seriously injured. Some more persons were found fleeing away who were chased, the injured person under the tempo was sent for treatment. The informant recovered illicit liquor as per seizure list from the said tempo. Two persons were arrested on the spot. It is the case of the petitioner that even though he is not named in the FIR, police called him on 10.06.2019 and asked him for a bribe of Rs.50,000/-. He was kept in custody till 12.06.2019 and only when he failed to fulfill the illegal demand of the police officer, he was brought to the police station. The allegation against him was that he was lining the liquor loaded on the tempo. Subsequently, he was released on bail. It is his further submission that in this manner he has been falsely implicated in many cases.

It appears on going through the averments made in the



writ application that the investigation of the case is still going on. Learned counsel for the petitioner has not placed before this Court the correct stage of investigation.

In this circumstance finding that there are some allegation against the petitioner on the face of which the FIR cannot be quashed, this Court is not inclined to quash the First information report.

So far as the grievance of the petitioner on the question of false implication is concerned, he may bring it to the notice of the Superintendent of Police, East Champaran within a period of 30 days from today by filing a proper representation. If such representation is filed on behalf of the petitioner, the Superintendent of Police, East Champaran shall while conducting the investigation take a view on the angle indicated by the petitioner with regard to his false implication.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

