

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.903 of 2021

Arising Out of PS. Case No.-464 Year-2020 Thana- GAURICHAK District- Patna

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BINDESHWAR SINGH @ BINESHWAR SINGH S/o Late Nandu Singh
Resident of Village- Gaurichak, Mansinghpur, Patna, P.O.- Gaurichak, P.S.-
Gaurichak, District- Patna, Pin Code- 803201, India.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA Bihar, Patna.
2. The Inspector General of Police, Patna, Commissioner, Patna, Bihar. Bihar, Patna.
3. The Senior Superintendent of Police, Patna, District- Patna. Patna.
4. Superintendent of Police, City Patna, Bihar Bihar, Patna.
5. The Deputy Superintendent of Police, Patna, District- Patna. Patna.
6. S.H.O., Gaurichak Thana, Patna Patna.
7. The Investigating Officer of Gaurichak, P.S. Case No. 464/2020, District- Patna. Patna.
8. Pushpa Devi W/o Swagarth Paswan R/o Village- Usfa, P.S.- Gaurichak, P.O.- Gaurichak, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Bishwambhar, Advocate
For the Respondent/s : Ms. Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-05-2022 Heard learned counsel for the parties concerned.

The present application has been filed for quashing of the First Information Report bearing Gaurichak P.S. Case No. 464/2020 registered for the offences under Sections 147, 148, 341, 323, 504, 324, 354 of the Indian Penal Code 1860 and Sections 3(1) (e) (s)/3 (2) (ra) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.



The submission of learned counsel for the petitioner is that during course of investigation, the Investigating Officer has submitted a report before the Superintendent of Police stating therein that the witnesses have not supported the prosecution story and have stated that upon hearing the noise, the petitioner had arrived at the place of occurrence, and was only standing there. Further submission is that no overt act has been alleged against the petitioner. He also submits that the local villagers have submitted a self declaratory petition before the Senior Superintendent of Police, Patna, stating therein that the petitioner was not involved in the present offence.

On the other hand, learned counsel for the State submits that from perusal of the First Information Report on its face value, the offence under the provisions of IPC as well as SC/ST Act is made out against the petitioner and if the Police did not find any material against the petitioner, the Police may not submit charge sheet against the petitioner and the same cannot be made a ground for quashing of a First Information Report.

I have heard learned counsel for the parties and have perused the First Information Report, and upon perusal of the same, it is apparent that the offences against the petitioner is



made out and FIR discloses the name of the petitioner. This Court in exercise of the power under Section 482 Cr. P.C. cannot consider the defence of the petitioner at this stage so as to examine the correctness of the allegation made in the FIR. Whether allegation made in the FIR is correct or false, shall be decided in regular trial.

In view of the above discussion, I am not inclined to quash the First Information Report merely on the ground that during course of investigation, no material was collected against the petitioner.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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