

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.796 of 2022

Arising Out of PS. Case No.-8 Year-2017 Thana- RAIYAM District- Darbhanga

Mishri Lal Yadav Son Of Late Kunj Yadav R/O- VII- Gosai Tol Pachadi, P.O.-
Pachadi,P.S.- Raiyam, Dist.- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Home,
Government Of Bihar, Patna Bihar
2. The Inspector General Of Police, Darbhanga Division, Darbhanga Bihar
3. The Senior Superintendent Of Police, Darbhanga Bihar
4. The Officer-In -CHARGE, Raiyma, P.S., District- Darbhanga Bihar
5. The Investigating Officer, Raiyam P.S. Case No. 8/2017, District-
Darbhanga Bihar
6. Shivan Chaupal Son Of Late Jivachh Chaupal R/O- Vill- Pachadi, P.S.-
Raiyam, Dist.- Darbhanga

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr.Iqbal Asif Niyazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-08-2022 Heard learned counsel for the petitioner and Mr. Iqbal
Asif Niyazi, learned AC to GP-5 for the State.

Petitioner in the present case is seeking quashing of the
First Information Report being Raiyam P.S. Case No.8 of 2017
registered for the offences under Sections 147, 148, 149, 341, 323,
324, 307, 354, 379, 506 and 447 of the Indian Penal Code and
Sections 3(i)(4)(s) of SC/ST (POA) Act.

In course of hearing of the writ application and on
perusal of the materials available on the record it transpired that
the investigation in this case is over long back. A final form



bearing no.21 of 2018 dated 31.05.2018 was submitted in the learned court below showing the petitioner not sent up for trial. It further appears from paragraph '25' of the writ application that after submission of final form showing the petitioner not sent up for trial the learned Magistrate differed with the police report and while taking cognizance of the offences under Sections 148, 149, 447, 448, 341, 323, 354B, 386, 427, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) under SC/ST Act directed issuance of summons to the petitioner also. Having said so the order taking cognizance and issuance of summons to the petitioner is not under challenge in the writ application. There is no foundation laid down for challenge to the order issuing summons to the petitioner.

In these circumstances, in the opinion of this Court, the writ application cannot proceed. It is being disposed of with liberty to the petitioner to seek his remedy against the order taking cognizance and issuance of summons against the petitioner, if so advised, in a duly constituted application in accordance with law. Liberty is there for the same.

(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'.

