

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2726 of 2023

Arising Out of PS. Case No.-293 Year-2020 Thana- LALGANJ District- Vaishali

RAKESH KUMAR @ PAPPU SINGH S/o Late Pramod Kumar Singh R/v-
Anugrah Bhawam, Anugrah Narayan Road, P.S.- Kadamkuan, District- Patna,
PIN Code 800003 the resident of village- Jagannath Basant, P.O. and P.S.-
Lalganj, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SANTOSH KUMAR SINGH, CIRCLE OFFICER, LALGANJ CIRCLE,
P.S.- LALGANJ, DISTRICT- VAISHALI AT HAJIPUR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 24-08-2023 Heard the parties.

2. This case has been filed for quashing the FIR bearing Lalganj P.S. Case No. 293 of 2020 registered for the offence under Section 03 of the Prevention of Defacement of Property Act, 1987 and Bihar Prevention of Defacement of Property (Amendment) Act, 2010 as well as Prevention of Damage of Public Property Act, 1984.

3. As per the prosecution case, the petitioner is alleged to have violated the flag code.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and the police has casually investigated the matter and submitted charge-sheet and all the



six witnesses who cited in the charge-sheet are official persons and they have supported the version of the informant in a mechanical manner.

5. Learned counsel for the petitioner has further submitted that the petitioner was the candidate of Indian National Congress from the Lalganj Constituency and nothing has come against him in the case diary also and the Sections under which the petitioner has been made accused are not at all applicable.

6. Learned counsel for the petitioner has further submitted that the petitioner has no knowledge about the poster in question and the petitioner has not given any written or oral consent to the persons for hanging the poster as the same is related to Janadhikar Party and not the Indian National Congress Party.

7. Learned counsel for the petitioner further submits that the petitioner has not at all committed any act which can cause harm or loss to the sentiments of any person or property and the FIR also does not reveals that the petitioner has printed or published any election pamphlet or poster and therefore no case under Representation of People Act, 1951 is made out against the petitioner.



8. Learned APP for the State has opposed the prayer of the petitioner.

9. From the reading of the FIR, it appears that the poster in question was with regard to supporting a candidate who is related to Bihar Kranti Party whereas in the present case, the petitioner is related to Indian National Congress and there is no allegation against the petitioner.

10. In my opinion, no offence whatsoever is made out against the petitioner and the petitioner cannot be prosecuted on the basis of conjectures and surmises.

11. Considering the aforesaid facts, this application is allowed.

12. Accordingly, the FIR bearing Lalganj P.S. Case No. 293 of 2020 is hereby quashed with regard to the petitioner only in the interest of justice.

(Sandeep Kumar, J)

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