

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37372 of 2015

Arising Out of PS. Case No.-125 Year-2012 Thana- PATRAKARNAGAR District- Patna

Pankaj Suman son of Mahendra Prasad, R/o Mohalla- Khemni Chak, P.S.-
Ram Krishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Ojha, Adv.

For the Opposite Party/s : Mr.A.L.Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-02-2023 Heard Mr. Ajit Kumar Ojha, learned counsel for the
petitioner and learned APP for the State.

This is an application for quashing of the order dated
24.1.2013 passed by the learned Chief Judicial Magistrate,
Patna in Patrakar Nagar P.S. Case No. 125 of 2012 whereby
cognizance was taken under Sections 147, 323, 341, 342, 186
and 427 of the Indian Penal Code.

As per the prosecution story, the Sub Inspector of
Patrakar Nagar Police Station lodged the FIR alleging that he
got information that the Bypass road has been blocked by
hundreds of people due to a land dispute and this has resulted
into huge congestion of the vehicle on National Highway.
Accordingly, a 'Sanha' was lodged and the police proceeded at
the place of occurrence where it was found that five named



accused persons (which included the petitioner herein) along with hundred of others have blocked the main road and the window panes of number of vehicles have been broken. It was only after the arrival of the Senior police officials that the said traffic jam came to an end. Accordingly, the FIR against the named accused persons as also unnamed hundred persons was lodged.

The police investigated the matter and accordingly submitted charge-sheet after which the learned Chief Judicial Magistrate, Patna took cognizance on 24.1.2013 which has been challenged in the present petition.

Learned counsel for the petitioner submits that it is surprising how five persons were identified in a mob of hundred unknown persons. It is his further submission that if they were at all identified, it was duty of the police to arrest them on spot whereas in the present case, the petitioner surrendered and took bail from Court which clearly shows that he has been falsely implicated and in that background, the cognizance order is bad.

Per contra, learned APP submits that in such gathering, when the local police is moving, it is very easy for them to identify some of the persons who are known to the locality which can even be known by query made to the locals



present there.

Learned APP further submits that so far as the other contention of the learned counsel for the petitioner is concerned, it was impossible for the police to get hold of the named accused persons in a mob of hundred persons which clearly reflects from the fact that only after the arrival of the Senior police officials, the traffic jam came to an end.

This court finds force in the submissions put forward by the learned APP, the petitioner was identified by the police officials and it is not the contention of the learned counsel that he had any enmity with the petitioner and/or the same has been contended in the petition.

It would be appropriate that the petitioner face trial, if has not still been concluded.

The petition lacks merit and is accordingly dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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