

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.666 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- KALYANPUR District- East Champaran

1. GOPAL DAS Son of Daroga Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
2. Naresh Das Son of Late Gobardhan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
3. Vicky Kumar Son of Late Mohar Lal Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
4. Jitu Das @ Jitendra Das Son of Late Fudeni Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
5. Lakhindra Das Son of Amir Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
6. Bablu Kumar Das Son of Kishnath Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
7. Navneet Das Son of Mohan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
8. Sandeep Das Son of Mohan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
9. Kamlesh Das Son of Sohan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
10. Raju Kumar Das Son of Sohan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
11. Sohan Das Son of Bhrosi Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
12. Raju Das Son of Rambabu Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
13. Mukesh Das Son of Late Moharlal Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
14. Mithlesh Das Son of Sohan Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
15. Munna Kumar Son of Naresh Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
16. Rambabu Kumar @ Rambabu Das Son of Gopal Das Resident of village - Harpur Hardas, P.S.- Kalyanpur, District - East Champaran.
17. Upendra Chaudhary Son of Jagdev Chaudhary Resident of village - Math Jagdish, P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar
2. Superintendent of Police, East Champaran, Motihari



3. Sub-Divisional Police Officer, Chakia, District East Champaran
4. Station House Officer, P.S.- Kalyanpur, District - East Champaran
5. Investigating Officer, Kalyanpur, District - East Champaran
6. Navin Chandra Jha (The then Superintendent of Police, East Champaran, Motihari), Son of Not Known Presently posted as Commandant, Bihar Special Armed Police - 9 Jamalpur, District - Munger
7. Baleshwar Prasad Yadav (The then Station House Officer, P.S.- Kalyanpur, District - East Champaran) Son of Not Known, Presently Posted at Police Line Motihari, East Champaran
8. Faiz Ahmad Faiz Son of Md. Mazrul Haq (Informant), Resident of Village - Bahlolpur, P.S.- Dhaka, District - East Champaran ... Respondents

Appearance :

For the Petitioners : Mr.Sanjay Kumar Tiwari, Adv.
For the Respondents : Mr. Iqbal Asif Niazi, AC to GP V

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-04-2023 Counsel for the petitioner is directed to remove the defect(s) within two weeks.

Heard learned counsel for the petitioners and the State.

The present application has been filed for quashing of the first information report bearing Kalyanpur P.S. Case No. 287 of 2021, dated 03.11.2021, registered under Sections 147, 148, 149, 341, 323, 325, 353, 354, 504, 506, 509, 307, 427, 379, 188, 440, 332 and 171(F) of the Indian Penal Code, 27 of the Arms Act, 3 of the D.P. Act, 131, 134(b), 135 and 135(A) of the Representation of People Act and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Counsel for the petitioners submits that there are in total 17 petitioners have filed the present application. He submits that all the 17 petitioners belong to Scheduled Caste community. Counsel submits that from the first information report, it transpires that the case has been filed under provision of Indian Penal Code, Arms Act, D.P. Act., R.P. Act as well as section of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Arms Act and 3 Representation of People Act added.

Counsel for the petitioners has only grievance that the petitioners themselves belong to Scheduled Caste community and, therefore, the provisions relating to Scheduled Caste community shall not continue against them.

Counsel for the State submits that in the counter affidavit particularly in paragraph 6 it has come that the present first information report has been filed against 37 names and 200 unknown accused persons for disturbing the election process, assaulting the election party and police personnel, breaking EVM machine and assaulting women of Scheduled Castes with abuse. Counsel submits that since presently it is not known that these 200 unknown accused persons are Scheduled Castes or Scheduled Tribes community or general class. Therefore, at this



level no decision in this regard may be taken.

This Court is of the view that investigation should continue and at this level this Court must not interfere in the investigation process, but, direction is hereby given to the Superintendent of Police, East Champaran (respondent no. 2) that he shall take care-of the legal points which has been raised by the petitioners and those points must figured at the time of filing of the final report under Section 173(2) of the Criminal Procedure Code, 1973.

With this direction, this application is **disposed off**.

(Dr. Anshuman, J)

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