

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.677 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- SC/ST District- Araria

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1. Mayank Milind S/o Dinesh Kumar Sah Resident of Professor Coloney, Ward No. 25, Forbesganj, P.S.- Forbesganj, District- Araria.
 2. Avinabh Arunesh S/o Dinesh Kumar Sah Resident of Professor Coloney, Ward No. 25, Forbesganj, P.S.- Forbesganj, District- Araria.
 3. Anita Devi W/o Dinesh Kumar Sah Resident of Professor Coloney, Ward No. 25, Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Deptt. Govt. of Bihar, Patna.
2. The Superintendent of Police, Araria.
3. The Deputy Superintendent of Police, Araria.
4. The Station House Officer, SC/ ST Police Station, Araria.
5. The Investigating Officer of SC/ST Case No. 10/22, Araria.
6. Mahendra Paswan S/o Late Baldeo Paswan Resident of Village- Dholbajja Ward No.11, Katahara, P.S.- Forbesganj, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Respondent/s : Mr. M. Nasrul Huda Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Writ Petition has been filed for quashing of F.I.R. bearing Araria SC/ST P.S. Case No. 10 of 2022 lodged under Sections 341, 323, 504, 506/34 of the Indian Penal Code read with Sections 3 (1)(s)(G) SC/ST (POA) Act.

Learned counsel for the petitioner submits that out



and out false F.I.R. has been lodged against the petitioners with a view to harass by the informant. He further submits that petitioners are the purchaser of the land and in the records of title as well as records of right their names are entered. The informant demanded extortion money from them and it is due to this reason petitioners have filed a representation before the Superintendent of Police also, but only with a view to save his own skin and create pressure upon the petitioners, the informant has filed the present F.I.R.

Learned counsel for the State submits that the investigation is necessary in this case, therefore, this case may be disposed off in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases and petitioners may be directed to represent themselves before the Superintendent of Police, Araria.

In this view of the matter, petitioners are directed to file representation before the Superintendent of Police, Araria in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases.

The Superintendent of Police, Araria is directed to



verify the entire factual matrix of this case and ascertain the existence of prima-facie wrong committed by which person. If the petitioners shall be aggrieved by the decision of Superintendent of Police, Araria, petitioners shall be permitted to take shelter of the said judgment because as per **Paragraph No. 10 (VI to VII)** of the order passed in the case of **Surendra Singh Vs. State of Bihar and others (supra)** the Chief Judicial Magistrate, Araria is empowered to look into the same.

Till filing of final form under Section 173 (2) of Cr.P.C. no coercive step shall be taken against the petitioners in connection with Araria SC/ST P.S. Case No. 10 of 2022.

With the aforesaid direction, the present Cr. Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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