

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.478 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- MORKAHI District- Khagaria

MD. WASIM AKRAM S/o Raji Ahmad R/o village- Bachhauta Ward No. 9,
P.S.- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collocetor, Khagaria
3. The District Superintendent of Police, Khagaria
4. The Deputy Superintendent of Police, Khagaria
5. Mr. Rajiv Kumar, the Officer-in-Charge of Morkahi Police Station, Khagaria
6. Mr. Harendra Manjhi, Sub Inspector of Morkahi Police Station, P.S.-
Morkahi, Khagaria
7. Md. Nasim Gaji S/o Raji Ahmad R/o village- Bachhauta Ward No. 9, P.S.-
Morkahi, District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar
For the Respondent/s	:	Mr. Sheo Shankar Prasad SC 8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-06-2023 The present application has been filed for a direction to the respondents to punish the respondent nos. 5 & 6 by suspending them and starting departmental proceeding against them for their illegal activities and humiliation to the petitioner. The respondent nos. 5 & 6 are the Officer- in- Charge of Morkahi Police Station, Khagaria and Sub Inspector of Morkahi Police Station, Khagaria.

Learned counsel for the petitioner submits that a false F.I.R. has been registered against the petitioner on a complaint



made by one Md. Nasim Gaji bearing Morkahi PS Case No. 49 / 2020 registered under Section 341, 323, 307, 354, 504, 506/34 of the IPC. Learned counsel further submits that petitioner was arrested by the Police in the aforesaid F.I.R. despite the fact that no injury report has been brought on record by the Police upon the person of the victim. Accordingly submission is that at the instance of the neighbour of the petitioner the respondent nos. 5 & 6 lodged false F.I.R. in which the petitioner was arrested and charge sheet has been submitted by the Police without any material.

I have heard learned counsel for the parties and have perused the material on record. The substantial prayer of the petitioner is for initiation of departmental proceeding and suspension of the respondent nos. 5 & 6. The fact is that Police after investigation has submitted charge sheet. The veracity of the allegation and the validity of the enquiry conducted by the Police and submission of charge sheet cannot be gone into at this stage for the purpose of arriving at the conclusion that Police had exceeded its authority and has lodged false F.I.R. and has submitted the charge sheet without any material. The material collected during investigation and submission of charge sheet shall be considered



and appreciated by the trial court and not by this Court in the present writ application. Accordingly, I am of the view that there is no merit in the present writ application.

The application stands dismissed.

(Anil Kumar Sinha, J)

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