

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.435 of 2023**

Arising Out of PS. Case No.-36 Year-2021 Thana- EKCHARI District- Bhagalpur

Gangadhar Mandal Son Of Late Kabali Mandal R/V- Khawaspur P.S-  
Ekchari, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur, Dist- Bhagalpur Bihar
2. The Superintendent of Police Bhagalpur, Dist- Bhagalpur Bihar
3. The Sub-Divisional Officer (S.D.P.O) Kahalgaon, Dist- Bhagalpur Bihar
4. The Officer in-charge, Ekchari Police Station, Dist- Bhagalpur Bihar
5. The Investigating Officer of Ekchari P.S Case no. 36/2021, Dist- Bhagalpur Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                         |
|----------------------|---|-------------------------|
| For the Petitioner/s | : | Mr. Sanjay Kumar        |
| For the Respondent/s | : | Mr. Sheo Shankar Prasad |
|                      |   | Mr. Sanjay Kumar        |
|                      |   | Mr. Sanjeev Kumar       |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      17-06-2025                      Heard the learned counsel for the petitioner, the learned counsel for the State and the learned counsel for the informant.

2. This is an application for quashing of the FIR to the extent of petitioner only of Ekchari P.S. Case No. 36 of 2021 registered under Sections 147, 149, 341, 323, 307, 302 of the IPC which is under investigation in the Court of learned A.C.J.M.-XI, Bhagalpur.

3. The facts of this case are that Shiv Narayan Singh



gave his written application to the police on 13.10.21 at 11:00 AM alleging that on the same day at about 8 AM, his brother Binod Mandal was cutting bamboo over his land when suddenly Pawan Kumar Mandal along with 9 other persons (including the petitioner) came there and Pawan Kumar Mandal assaulted his brother by means of a Lathi on his head and the other accused persons started assaulting his other brother Jagdeo Mandal and his nephew Suman Kumar Mandal. Due to assault, his brother Binod Mandal fell down and died on the spot.

4. The contention of the petitioner is that the FIR of Ekchari P.S. Case No. 36 of 2021 be quashed after considering his defence.

5. The FIR cannot be quashed by this Court by considering the affidavit evidence and the defence of the petitioner. It is for the Investigating Agency to consider the defence of the petitioner and thereafter submit a final report/charge-sheet in accordance with law.

6. This application is dismissed with liberty to the petitioner to approach the Superintendent of Police, Bhagalpur with his defence by filing a representation for conducting further inquiry for verification of his alibi and if such a representation is filed by the petitioner the same shall be



considered by the Superintendent of Police, Bhagalpur and he will act in accordance with the law after considering the representation of the petitioner.

7. The petitioner being a Railway employee should co-operate in the investigation if any further investigation is initiated on his representation.

**(Sandeep Kumar, J)**

Shishir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

