

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.521 of 2018

Arising Out of PS. Case No.-25 Year-2018 Thana- RAJAON District- Banka

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Vinod Yadav @ Binod Kumar Yadav, S/o Sri Jagdish Yadav, R/o Village-
Kadarganj, Parasmani, P.S.- Sarsi, District- Purnea. Owner of the Vehicle
Truck Bearing registration number BR-11GA/1555.

... .. Petitioner

Versus

1. The State of Bihar Through The Principal Secretary-cum-commissioner,
Mines And Geology Department, New Secretariat, Government of Bihar,
Patna.
2. The District Magistrate, Banka.
3. The Superintendent of Police, Banka.
4. The Deputy Superintendent of Police, Banka.
5. The District Mining Officer, Banka.
6. The Mining Development Officer, Banka.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Amit Kumar Anand, Advocate
For the State	:	Mr. Gyan Prakash Ojha GA-7

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 08-12-2025 The present writ petition has been preferred by the

Petitioner for quashing of Rajoun P.S. Case No. 25 of 2018

dated. 19.01.2018 for the offences punishable under Sections

379 and 411 of the Indian Penal Code and Section 4/40 of the

Bihar Minor Mineral Concession Rules, 1972, Section 4(1),

21(1) and 21(4-A) of the Mines and Minerals (Development and

Regulation) Act, 1957 as well as Sections 3/8 and 6/8 of the



Bihar Minerals (Prevention of Illegal Mining Transportation and Storage) Rules 2003.

2. Heard learned counsel for the Petitioner and learned AC to G.A-7.

3. Learned counsel for the Petitioner submits that the present FIR is completely false and fabricated without any truth in the allegation and his vehicle bearing registration no. BR-11GA-1555 was no way involved in the alleged offence, nor the vehicle was ever seized in the alleged offence. He also refers to the FIR showing so many infirmities in it. The written report sent by the Mines Development Officer, Banka to the Officer in-charge Rajoun Police Station, Banka also does not show that the vehicles as mentioned in the FIR were ever seized. The only allegation is that these vehicles were submitted to the police station but there is no claim that the vehicles were seized, nor is there any signature of any accused persons in the seizure list. Learned counsel for the Petitioner also brings it to the notice of this Court that all these vehicles as mentioned in the FIR are mentioned by the concerned Mines Officer with ulterior motive. His ulterior motives also transpires from the fact that out of the total 88 trucks mentioned in the FIR, four trucks' registration numbers have been deleted from the list subsequently and the



total number of trucks have been shown by the concerned officer as 86 whereas, out of 88 trucks, the registration number of four trucks have been deleted. The total number of trucks after deletion remains 84. It shows something fishy on the part of the concerned officer in sending the report to the officer in-charge. Moreover, FIR has not been lodged against any accused persons, named or unnamed, because there is no reference in the accused column that owner or driver of the following vehicles are accused.

4. Apparently, there are so many illegality and infirmity, showing ulterior motive on the part of the concerned officers or professional incompetence on their part in the column of the accused which shows how the concerned officer-in-charge is incompetent.

5. As such, the concerned Superintendent of Police is required to look into all such illegalities and infirmities in the FIR and take suitable action against the concerned officer.

6. Counter affidavit from the Superintendent of Police, Banka has also been received, where it has been claimed that the vehicle seized were illegally taken away by the concerned owner of the trucks, and hence, new cases have been filed against them for illegally taking away of the trucks by them in



which they are on bail. It is also claimed in the counter affidavit of the concerned Superintendent of Police that some number of trucks were inadvertently mentioned. Hence, they were deleted. But, even after deletion, total number of trucks have been shown as 86, whereas the total number of entries deleted is four.

7. As such, the total number of trucks remaining in the FIR are 84 only. It certainly smells of foul play by the concerned officer in lodging of the FIR showing their intention to harass the truck owners or driver for ulterior motive.

8. Learned counsel for the Petitioner alleges that in fact, without seizure of any vehicle, this vehicle was shown as submitted to the police station and thereafter, whoever contacted the concerned officers, the registration number of their trucks were deleted by the concerned officers for unlawful gratification.

9. Hence, the whole matter should be looked into by the Superintendent of Police personally and set the facts of the case right and there should be proper investigation.

10. After investigation, if charge sheet is submitted, the Petitioner is given liberty to raise his objection.

11. Hence, the present petition stands disposed of.



12. Let a copy of this order be sent to the Superintendent of Police, Banka for information and needful.

(Jitendra Kumar, J.)

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