

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.906 of 2022

Arising Out of PS. Case No.-566 Year-2017 Thana- SITAMARHI District- Sitamarhi

Manish Babu @ Manish Kumar @ Manish Babu Wishwawadi Son of Ram
Nagina Baitha Resident of Village - Bathuara, P.S.- Bela, District - Sitamarhi.
... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
Bihar
2. The Superintendent of Police, Sitamarhi
3. The Deputy Superintendent of Police, Sitamarhi
4. The Inspector of Police, Sitamarhi Police Station, Sitamarhi.
5. The S.H.O., Sitamarhi Police Station, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present application has been filed for quashing
the FIR of Sitamarhi P.S. Case No. 566 of 2017 dated
25.07.2017 instituted under Sections 147, 148, 149, 341, 323,
324, 307, 379, 427, 504 and 506 of the Indian Penal Code and
the entire criminal proceeding arising thereof.

3. The case of the prosecution in brief relevant for the
present writ is that one Dr. Narendra Kumar Sinha had given his
fardbeyan at Sadar Hospital Sitamarhi stating that on
25.07.2017 at about 01:30PM one Jay Kishor Paswan
accompanied by one Dharkhan Paswan had come to the Popular



Janch Ghar (Diagnostic Center) to get himself tested. It is alleged that after sometime, the two aforementioned persons had come for re-drawing of the blood and collecting the earlier report as well as to deposit the money and during this time the two persons started abusing the staff at the diagnostic center. It is further alleged that the two persons even assaulted the staff present at the counter named Manoj Rai. However, upon intervention of the people present at the place of occurrence the two aforementioned two persons left the place. It is furthermore alleged that around 15-20 residents from the SC/ST Kalyan Chatrawas (SC/ST Welfare Hostel) had come to the diagnostic center of the informant, however upon the informant pleading the crowd to leave, it is stated that the students/residents left. Thereafter around 30-35 students/residents again came to the diagnostic centre of the informant, however it is alleged that this time the students/residents were armed with lathis, stick, iron rod and swords and started to abuse and assault the informant and other staff members at the diagnostic center. It is specifically alleged that Dharkhan Paswan with an intention to kill had attacked the informant with the sword on the head of the informant which had caused severe head injuries. It is next alleged that when the staff members came to rescue the



informant, then Indal Paswan, Chandradev Paswan and several unknown persons armed with lathis, sticks and iron rod assaulted the staff members of the informant causing severe injuries. It is also alleged that in the meantime Dharkan Paswan took rupees twenty thousand from the cash counter and thereafter threatened the informant of breaking the apparatus/machines present at the diagnostic lab. Thereafter the informant was taken to the Sadar Hospital by his staff members.

4. On the basis of the fardbeyan of the informant on 25.07.2017, the police on the same date had registered the F.I.R being Sitamarhi P.S. Case No. 566 of 2017 under sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 and 506 of the Indian Penal Code.

5. It has been submitted by learned counsel for the petitioner that the case is still under investigation. He wants to argue the case for quashing of the FIR on the basis of the defence materials. This Court cannot quash the FIR on the basis of the defence materials produced by the petitioner in this Court at this stage.

6. This application is disposed of with liberty to the petitioner to approach the Superintendent of Police, Sitamarhi with his representation and defence materials and if the same is



filed, the Superintendent of Police, Sitamarhi will consider the same. If he finds some merit in the materials, he may direct the I.O. to investigate the case after considering the materials produced by the petitioner.

7. The investigation must be concluded within three months of communication of a copy of this order.

8. Let a copy of this order be communicated to the Superintendent of Police, Sitamarhi forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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