

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3071 of 2024

In
CRIMINAL MISCELLANEOUS No.12091 of 2020

Arising Out of PS. Case No.-185 Year-2016 Thana- LAHERIYASARAI District- Darbhanga

1. Manoj Kumar Singh Son Of Late Madan Prasaad Singh R/O Mohalla- Rudalganj, Gangasagar, P.S.- Laheriasarai, Dist.- Darbhanga
2. Anil Ganesh Prasad Mishra Son Of Late Ganesh Prasad Mishra R/O Mohalla- Laxminagar, P.S.- L.N.M.U., Dist.- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Paswan Son Of Ganpati Paswan R/O P4b Colony, B.S.N.L. Qtr., Bela More, P.S.- Vishwa Vidyalaya, Darbhanga, Permanent R/O Vill.- Sehabhuarndh, Berya- Pandaul, P.S.- Madhubani
3. Surendra Paswan, S.I. SHO, Benta O.P., Darbhanga Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Shama Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Akhilesh Kumar Sinha, Advocate
For the SHO	:	Mr. Satish Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

10 23-07-2025 Heard the learned counsel for the parties.

2. The present appeal is being filed for quashing the Order dated 05.05.2017 passed in G.R. No. 1371 of 2016 arising out of Laheriasarai P.S. Case No. 185 of 2016, SC/ST Case No. 191 of 2017 passed by the learned Special Judge, SC/ST (POA),



Act, Darbhanga, whereby and where under the learned Special Judge took cognizance for the offence under Sections 341, 323, 353, 504, 506/34 I.P.C and 3(i)(s) of S.C/S.T Act against the appellants, which is pending in the Court of learned Special Judge (SC/ST POA Act), Darbhanga.

3. The learned counsel for the appellants has submitted that the informant initially reported the occurrence to the S.H.O. Behra, police station. After receiving the *fardbeyan*, the S.H.O. Behra police station forwarded the same to the jurisdictional police station i.e. Laheriasarai police station for registering the case.

4. The learned counsel has submitted that in his forwarding report S.H.O. Behra has mentioned that he has already investigated the case, thereafter, the formal FIR was registered in Laheriasarai police station. She has submitted that the S.H.O. Behra has no jurisdiction to investigate the matter and the cognizance taken on the basis of such investigation report is bad in the eye of law.

5. It appears that after forwarding the present case was registered in Laheriasarai police station and thereafter again the investigation was done after registration of the present FIR on the basis of, whereof the cognizance has been taken.



6. In my view, there is no error in the order of cognizance dated 05.05.2017.

7. Accordingly, the present appeal stands dismissed.

(Nawneet Kumar Pandey, J)

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