

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2718 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- BIDUPUR District- Vaishali

Satya Prakash @ Mehul Singh, S/o Satish Kumar Singh, R/o Village-
Madurapur, P.S.- Bidupur, District- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The Union Public Service Commission through its Chairman, Dholpur House, Shahjahan Road, New Delhi
2. The State of Bihar through the Director General of Police, Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The District Magistrate, Vaishali, Bihar
5. The Senior Superintendent of Police (SSP), Vaishali, Bihar
6. The Superintendent of Police (SP), Vaishali, Bihar
7. The Deputy Superintendent of Police (Dy. SP), Vaishali, Bihar
8. The Station House Officer (SHO), Bidupur Thana, Vaishali, Bihar
9. Smt. Poonam Devi W/o Shambhu Saran R/o Madhura Pur, P.S.- Bidupur, Distt.- Vaishali, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Samir Kumar, Advocate Mr.Sauravh Singh, Advocate
For the UPSC	:	Mr.Amish Kumar, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 28-11-2025

Heard learned counsels for the respective parties.

2. The present writ application has been filed seeking
following reliefs :-

*“(i) For issuance of writ in the nature
of certiorari for quashing the FIR bearing
Bidupur P.S. Case No. 110/2025 dated 11.02.2025*



registered u/s 126 (2), 115 (2) & 351 (1), 3 (5) of BNS, 2023, against the petitioner and other accused persons;

(ii) To direct the police authorities to verify his documents regarding petitioner's presence in the examination dated 24.11.2024 and thereafter hold that FIR is not maintainable against the petitioner.

(iii) To hold and declare that the Police authorities till now have conducted biased, partial, incomplete and suborn investigation regarding the case against the petitioner.

(iv) Any other relief or reliefs as your lordships may deem fit proper in the facts and circumstances of the case”.

3. Brief facts of the case are that on the basis of written complaint of the informant/respondent no.9 herein, an FIR bearing Bidupur P.S. Case No. 110/2025 was instituted on 11.02.2025. It has been alleged therein that the petitioner and other co-accused persons came to the house of the informant and assaulted her and her father-in-law. They also snatched a gold chain from the informant and also took away Rs.10,000/- from her father-in-law.

4. At the outset, the learned counsel appearing on behalf the State respondents submits that in this case earlier charge sheet no. 234/2025 dated 28.03.2025 was filed.



However, after institution of the present writ petition, the authorities have examined the matter and after coming to know about the defective investigation carried out by the investigating officer, action is being taken against the investigating officer and involvement of the writ petitioner was not found in Bidupur P.S. Case No. 110/2025. The learned counsel further submits that once charge sheet has been filed, no person can be removed from the list of the accused without permission of the court.

5. Since it is admitted case of the State-respondents that the petitioner was not involved and the case was not found true against the petitioner and this fact was noted in the supervision note and the investigating officer was directed not to submit charge sheet against the petitioner, yet charge sheet was filed showing the petitioner as an accused.

6. The Hon'ble Supreme Court in the celebrated judgment of **State of Haryana and Others Vs. Bhajan Lal and Others, 1992 Supp (1) Supreme Court Cases 335** in para 102 has held as:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under



Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first informant report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a



Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent persons can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(emphasis supplied)

7. In the present case, the case of the petitioner would be squarely covered under the guidelines enumerated in subparagraph (3) by the Hon'ble Supreme Court in the case of ***Bhajan Lal*** (supra).

8. Therefore, finding the filing of the charge sheet/final report to be an abuse of the process of law, the FIR in



connection with Bidupur P.S. Case No. 110/2025 is hereby
quashed qua the petitioner.

9. Accordingly, present writ petition is allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2025
Transmission Date	28.11.2025

