

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1881 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- SIWAN CITY District- Siwan

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1. Dr Ahmad Ali S/O Shafayt Hussain Resident Of P.O And Ps. Bada Chakia, Chakia, Dist. East Champaran, Presently Posted As Medical Officer, Sadar Hospital Siwan
 2. Arvind Kumar Singh S/O Durga Prasad Singh Village- Fatehpur, Ps. Town Thana Siwan, Dist. Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Deptt., Govt. Of Bihar, Patna Bihar, Patna
2. Director General Of Police, Bihar, Patna Bihar, Patna
3. Superintendent Of Police, Siwan Town, Siwan Bihar, Siwan
4. Sub Divisional Police Officer, Siwan Town, Siwan Bihar, Siwan
5. Mr. Sudarshan Ram, Inspector Cum Station Head, Town Ps. Siwan, Bihar Bihar, Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Mr. Jaya Singh, Advocate Ms. Aditi Sahay, Advocate Mr. Pranshu, Advocate
For the Respondent/s	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 23-06-2025 Heard learned counsel for the petitioners; learned counsel for the State and learned counsel appearing for the SHO.

2. The petitioners have moved the Court for the



following reliefs:

“1. For issuance of an appropriate Writ, Orders, directions for reinvestigation of Siwan Town P.S Case no. 298 of 2023 dated 31.05.2023 registered under section 115,147, 149, 323, 342, 32, 307, 332, 353, 504, 506 of IPC and section 3 (i) (r) (s) of SC-ST Act pending in the court of Additional Sessions Judge 1st , Siwan, by an authority appointed by Director General of Police, Bihar, or Criminal Investigation Department, Bihar as the present FIR is an act of high handedness of the Siwan police.

II. For issuance of an appropriate Writ, Orders, directions Quashing of the Siwan Town P.S Case no. 298 of 2023 registered under section 115,147, 149, 323, 342, 32, 307, 332, 353, 504, 506 of IPC and section 3 (i) (r) (s) of SC ST Act pending in the court of Additional Sessions Judge 1st, Siwan for being no offences as is alleged to have taken place as is stated in the FIR, vis-a vis the petitioner hereby was assaulted by the informant and his associates.

III. For issuance of an appropriate Writ, Orders, directions for registration of an FIR against the informant for giving wrong information and registration of false case being Siwan Town P.S Case no. 298 of 2023 against the Petitioners.”

3. That brief fact of the case is that on the basis of the written complaint on the written complaint of Inspector cum Station Head of Town P.S Sudarshan Ram on 31.05.2023, which is extracted from sub para nos. I to IV of para 4 of the present Cr. Writ Petition.

“I. That on 31.05.2023 around 7 o'clock received a call on the official no. 7463868678 and received information on the call that patient Rajmuni Kumari aged about 22



years daughter of Satynarayan Singh has died during the treatment in Welcome Nursing home wherein she has been admitted in morning only.

II. That the family members of the deceased started creating ruckus and chaos in the hospital premises and the same information has been forwarded to the senior officials also and reached to the spot of the incident with tiger mobile.

III. That Police Inspector cum Station house Officer, Siwan Towan Police station along with other police personnel reached the place of occurrence.

IV. That it has been said by the complainant that on the direction of Dr. Ahamad Ali the hospital employee Rahul Kumar along with Arjun Singh and owner of the clinic building Arvind Kumar started abusing the relatives of the deceased patient and when the informant and other police personnel tried to intervene the said people along with others closed the grill and started abusing using caste denoting words and started beating the informant and the police personnel who were along him.

V. That during and due to attack the informant and the police personnel who were with him got injured who are being treated in Sadar Hospital, Siwan and the police has arrested three accused persons from the spot Rahul Kumar, Arjun Singhand Arvind Kumar while the unknown person ran away from the spot and took away the deceased body also.”

4. During investigation, the Dy.SP, Siwan has filed counter affidavit in compliance of the order of this Court.

Paragraph nos. 13 to 18 of the counter affidavit reads as follows:

“13. That on 11.02.2024, further CCTV footage was enabled which would show that on the place of incident Police team and public are



fighting with each other and in that process while fleeing away two members fell down and in the CCTV footage Havildar Mahanand Yadav and ASI Shailendra Kumar were found to be falling while running from the place of incident.

14. That even the statements in writing were obtained from Station House Officer Sudharshan Ram and Ranjit Kumar Sah of Town Police Station and ASI Santosh Kumar.

The Station House Officer Sudharshan Ram has fully supported his allegation in his statement.

15. That Ranjit Kumar Sah who is deputed in Town Police Station, in his statement in writing informed that on 31.05.2023 during evening patrolling he was at Babunia More and at around 6:45 hours the Station House Officer informed that near Fatehpur Durga Mandir in Welcome Nursing Home a female patient has died during treatment and the family members are aggressively agitating and protesting on the death of the patient whereupon the patrolling party reached the place of incident and found that the family members of the victim are causing nuisance and protesting in the hospital whereupon he tried to pacify the situation and in the meanwhile the Station House Officer with his team has also arrived.

16. That in fact as per him, the entire team was trying to pacify the situation and ASI Santosh Ram, ASI Shailendra Kumar and Constables Rahul Kumar and Sahazad Ali also arrived who were deputed in Tiger Mobile.

17. That as per his statement, meanwhile the Petitioner No.2 Arvind Kumar Singh who is the owner of the clinic, he also arrived on a motorcycle and put the wheel of the motorcycle upon the foot of Havildar Mahanand Yadav and protested as to why the Police team has arrived and when the Havildar informed that there is law and order problem, the petitioner no. 1 Dr. Ahmed Ali and his staffs started assaulting upon the Police team with lathi/danda causing injuries to Havildar Mahand Yadav, ASI



Shailendra Kumar, Constable Rahul Kumar, Constable Sahzad Ali and Station House Officer Sudharshan Ram who were taken for treatment and thereafter the case was lodged.

18. That similar statements were also given in writing by ASI Santosh Ram.

Thus, the informant and witnesses have supported the prosecution case and it is also a fact that during examination of the materials and upon viewing the CCTV footage it was seen that few persons are assaulting police team by slapping the Police team and in that process there was stampede type situation and Havildar Mahandand Yadav and ASI Shailendra Yadav fall down and even Constable Rahul Kumar and Sajid Ali also got injured in that process and the Petitioner No.1 is not seen in the video, Nor any person is seen with lathi danda/iron rod or any sharp cutting weapon.

Accordingly, after analysis, Superintendent of Police, Siwan has found the case to be true under Sections 341 /323 /353 / 504/34 of the IPC and under Section 3 (1)(r)(s) of the SC and ST (Prevention of Atrocities) Act against FIR named accused Rahul Kumar, Arjun Singh and Arvind Kumar Singh as also against unidentified accused persons and role of Dr. Ahmed Ali (Petitioner No.1) was not found in the incident so far.

The S.P., Siwan has found that there is no ingredient to implicate the accused persons under Sections 147 /149 /342/ 325/ 307/ 332/333/506/115 of the IPC and thus the Investigating Officer has been directed to obtain the CCTV footage and to seize it under a valid seizure list and to trace out the identified accused persons and comply with other directions issued earlier in the case.”

5. From the counter affidavit, it appears that the allegation levelled in the FIR against the petitioners appears to be false.



6. In these circumstances, this petition is allowed.

7. The FIR bearing Siwan Town P.S. Case No. 298 of 2023 is quashed *qua* all the accused persons named therein.

(Sandeep Kumar, J)

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