

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2042 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- BAHERA District- Darbhanga

1. Arun Kumar Jha, S/O Late Anirudh Jha Village- Ramauli, PS. Bahera, Dist. Darbhanga
2. Hemant Jha @ H.K. Jha, S/O Late Chaturbhuj Jha @ Mahadev Jha Village- Ramauli, Ps. Bahera, Dist. Darbhanga
3. Mahendra Jha, S/O Late Jag Narayan Jha Village- Ramauli, PS. Bahera, Dist. Darbhanga
4. Bhagwandai Devi @ Bhagwati Devi, W/O Mahendra Jha, Village- Ramauli, Ps. Bahera, Dist. Darbhanga
5. Lalan Jha, S/O Late Chaturbhuj Jha @ Mahadev Jha, Village- Ramauli, Ps. Bahera, Dist. Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Its Secretary, Deptt. Of Home Affairs, Patna. Bihar, Patna
2. The Senior Superintendent Of Police, Darbhanga Bihar, Darbhanga
3. Dr. Sumit Kumar, Dsp/Sdpo, Benipur, Darbhanga Bihar, Darbhanga
4. Sh. Raj Kapoor Kushwaha, Sho, Bahera Police Station, Dist.Darbhang Bihar, Darbhanga
5. Sh. Govind Prasad, Sub-Inspector, Bahera Police Station, Dist. Darbhanga Bihar, Darbhanga
6. The Medical Superintendent, Darbhanga Medical College And Hospital (dmch) Bihar, Darbhanga
7. Nutan Devi W/O Ranjeet Jha Village- Ramauli, Ps.Bahera, Dist. Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Advocate
For the Respondent/s : Mr.SC.23

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-02-2025 The petitioners have invoked constitutional writ jurisdiction of this Court under Article 226 of the Constitution of India prayer for issuance of writ in the nature of certiorari for quashing the FIR in connection with Bahera P.S. Case No. 566



of 2022 registered under Sections 147, 341, 323, 307, 354, 379 and 504 of the IPC.

2. Quashment of FIR has been prayed mainly on the ground that the Bahera P.S. Case No. 566 of 2022 was registered on the basis of an FIR filed by one Smt. Nutan Devi on the 7th of November, 2022, at about 10.00 AM for an alleged incident which took place on 6th of November, 2022, at about 10.00 PM. It is alleged that the FIR named accused persons, ten in number, who trespassed into her house, abusing her husband. They alleged that her husband has constructed a toilet on the land of the accused persons. When the informant and her husband denied the allegation, both of them were assaulted with the help of iron rod on their heads, causing bleeding injury. They also caused damage to household articles. After the incident, the informant and her husband were medically treated at sub-divisional hospital, Benipur.

3. The learned Advocate on behalf of the petitioners next draws my attention to Page No. 25 of the writ petition, which is a counter case bearing Bahera P.S. Case No. 565 of 2022 dated 7th of November, 2022, instituted on the basis of information submitted by one Arun Kumar Jha. The said FIR was also lodged on 7th of November, 2022, but the time of



occurrence was stated to be 7:00 PM on 6th of November, 2022.

4. It is contended on behalf of the petitioners that if an incident took place on 6th of November, 2022, at 7:00 PM and the injured persons took medical treatment immediately after the occurrence at sub-divisional hospital, there would not have been any occurrence on the same date at 10:00 PM.

5. Secondly, the allegation made by the *de facto* complainant Smt. Nutan Devi of Bahera P.S. Case No. 566 of 2022 is exaggerated if the allegation is tallied with the injury report. The informant alleged that due to the assault with the help of iron rod by the accused persons/petitioners, they received fracture injury on their scalp with profuse bleeding, but the Medical Officer found a minor aberration on the heads of the *de facto* complainant and her husband.

6. The existence of two FIRs by two contesting parties over an incident which took place on 6th of November, 2022, suggests that some criminal activity was committed involving both parties, and some members of both parties were injured. There may be discrepancy with regard to the time of the occurrence, but it is for the Investigating Officer to find out the time of incident that took place, causing injury to some persons of both contesting parties.



7. For such discrepancies in the formal FIR regarding the time of occurrence, an FIR cannot be quashed, and another FIR should be retained for investigation.

8. For the reasons stated above, I do not find any reason to issue a writ in the nature of certiorari in the instant case. However, the Investigating Officer and the SHO, Bahera Police Station, are directed to investigate into both the cases properly to ascertain the truth of the matter.

9. With the above direction, the instant application is disposed of.

(Bibek Chaudhuri, J)

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