

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2503 of 2024

Arising Out of PS. Case No.-709 Year-2024 Thana- JAMUI District- Jamui

Bhupendra Kumar Sharma @ Bhupendra Sharma, S/O Sukhdev Sharma, R/O
Village- Dhandh, P.S- Jamui, Distt.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Home, Bihar, Patna Patna, Bihar
2. The D.G.P., Patna, Bihar
3. The I.G. Bhagalpur. Bihar
4. The D.I.G. , Munger Munger, Bihar
5. The District Magistrate, Jamui. Bihar
6. The Superintendent of Police, Jamui. Bihar
7. The S.D.P.O, Jamui, Bihar
8. The S.H.O Jamui P.S- Distt.- Jamui. Bihar.
9. The I.O of the case Jamui P.S., Dist.-Jamui. Bihar
10. Nagina Devi W/O Kameshwar Paswan R/O Village- Sihochak, P.O- Amrath, P.S- Jamui, Distt.- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.S.K.Lal, Sr.Advocate
Mr.Umesh Prasad, Advocate
For the Respondent/s : Mr.Ravi Bhardwaj, AC to GA 13

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 15-02-2025 On the basis of a written statement submitted by Respondent No. 10, the petitioner along with 15 others have been implicated in connection with Jamui FIR No. 5799023240709 dated 1st of November, 2024, under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 324(4), 352, 125(a), 125(b) and 329(4) of the B.N.S., 2023 read with Sections 3(1) (द), 3(1)(ध), 3(2)(v) of the SC/ST (POA Act), 1989. The



petitioner is FIR named.

2. It is submitted on behalf of the petitioner that he appeared in connection with Jamui P.S. Case Nos. 280 of 2024 and 264 of 2024 in the Court of SDM, Jamui, instituted by Kameshwar Paswan on behalf of the present accused persons. As a result of retaliation, the wife of Kameshwar Paswan lodged the FIR against the accused persons and also the present petitioner, implicating him in a false case. He is a practicing Advocate of the Jamui Court and he is not in a position to perform his professional duties for the pendency of this case. It is also stated by the learned Advocate for the petitioner, referring to the FIR that the petitioner allegedly abused the *de facto* complainant and her family members and directed other accused persons to trespass into the house of the informant by breaking open the door of the house and assaulting all of them so that nobody could escape. Thus, it is submitted by the learned Advocate for the petitioner that no allegation of committing offence under the SC/ST Act has been made against the petitioner. He was not present at the spot and the FIR against him may be quashed.

3. Learned Advocate on behalf of the State/Respondents, on the other hand, submits that the



investigation of this case is at nascent stage. The Investigating Officer did not get opportunity till date to interrogate the petitioner and the veracity of the FIR could not be examined. Therefore, he has raised objection against the prayer of the petitioner for quashing the FIR against him.

4. Having heard the learned counsels for the parties and on careful perusal of the materials on record, it is ascertained that the petitioner is an FIR named accused. *Prima facie*, there is an allegation of criminal intimidation and rioting against the petitioner.

5. Under such circumstances, the police authority must be given an opportunity to investigate into the case. Therefore, the present stage is premature to file such application and accordingly the application is dismissed.

6. However, the petitioner is at liberty to make the similar prayer at an appropriate stage subsequently.

(Bibek Chaudhuri, J)

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