

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2322 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- KHAIRA District- Saran

NIRANJAN KUMAR SON OF RAJKUMAR SINGH RESIDENT OF
VILLAGE- DHARAM CHAK, MANSI, PS- MANSI, DIST- KHAGARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MANISH KUMAR , ASI -CUM-S.H.O. THANA KHAIRA (NAGRA),
DISTT- SARAN BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 20-01-2025

Heard learned counsel appearing on behalf of the
parties.

2. The present application has been filed for quashing the Khaira (Nagra) P.S. Case No. 231 of 2023 vide order dated 22.06.2023, lodged under Sections 384, 385 and 34 of the Indian Penal Code pending in the Court of learned Magistrate 1st Class, Saran at Chhapra, which was lodged at the instance of OP No. 2 against the petitioner and three more persons on the basis of his self-statement. It is stated that police has registered this false and frivolous case against this petitioner with a malicious intention, based on wrong facts.



3. The FIR was instituted vide Khaira (Nagra) P.S. Case No. 231 of 2023 dated 22.06.2023 under Sections 384, 385 and 34 of the IPC on the basis of written statements of the informant namely Manish Kumar, ASI-cum-SHO Khaira (Nagra) Police Station against the petitioner and three others.

4. The case of informant as per FIR suggests that he got information about a viral video on social media related with Nagra O.P. showing conversation between truck driver and the owner, which was verified in front of the informant and other police staffs deputed at police station. As per conversation of the said audio, it transpired that truck drivers were found in conversation with the owner of the truck that it has been caught by the police and same can be released only when money/bribe would be paid to the police. Truck was said to be parked outside the police station. Truck driver named a person as Afsar Ali having mobile no. 6202541488 and also talks about for sending screenshot of the transferred amount of Rs. 30,000/- and Rs. 20,000/- on that mobile number. The matter was enquired from said Afsar Ali, who told that he runs a cyber cafe at Mahwalia Baazar and when any transfer of



amount takes place through mobile, customers give him commission. He further stated that Afsar Ali being owner of cyber cafe was in touch with chowkidaar Roshan Manjhi being friends. The bribe was received through online transfer to his mobile, which on next day given into cash to the chowkidaar. The informant also took the audio conversation details of 22.03.2023 and 23.03.2023 of the concerned viral video and verified the conversation, which took place at about 23:46 hours, where Rs. 50,000/- was received on said mobile number of Afsar Ali through "My Jio App". It is pointed out by the informant that then SHO Khaira (Nagra) Shiv Nath Ram and the then Additional SHO-cum-ASI Niranjan Kumar (petitioner) received bribe from truck drivers/owners in the night, who found carrying sand through trucks and received the amount through chowkidaar Roshan Manjhi by getting bribe amount transfer online to cyber cafe owner i.e., Afsar Ali, as per above discussed modus-operandi.

5. In view of the aforesaid factual aspect of this case as raised through aforementioned FIR, it is submitted by learned counsel for the petitioner that petitioner was falsely



implicated with the present case out of office politics because he was the predecessor of the informant. Hence, present FIR was lodged with malicious intention only to harass the petitioner. It is submitted that no banking transactions as alleged appears to be connected with the petitioner and mere on the basis of suspicion the petitioner being senior police officer cannot be implicated in such manner. In support of his submission learned counsel relied upon the legal report of the Apex Court decision in the case of ***State of Haryana and Others vs. Bhajan Lal and Others reported in 1992 Supp (1) Supreme Court Cases 335.***

6. Taking contrary note learned APP appearing on behalf of the State submitted that petitioner was the head of the police station at relevant time. It is pointed out that during preliminary enquiry at the time of lodging the FIR the audio and video *prima-facie* found suggesting unlawful transfer of cash by truck owners to the cyber cafe owner namely Afsar Ali, which appears to be transferred around midnight. It is pointed out that matter is under investigation and it should not be interfered at this stage. Learned APP further pointed



out that as informant of this case is the successor of the petitioner does not lead to conclusion *ipso-facto* that he was biased towards petitioner to the extent that he lodged present FIR against him. It is submitted that no material was brought on record, which may suggest prima-facie that the present FIR was lodged by the informant against petitioner with ulterior and oblique motive.

7. In view of the aforesaid factual and legal submission and by taking note of fact that allegation in FIR prima-facie disclose cognizable offence against petitioner, who is a named accused, which requires through investigation, hence, this Court does not find any merit in the present petition, accordingly same stands dismissed.

8. Let a copy of this order be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

AFR/NAFR	NAFR
CAV DATE	N/A
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