

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40077 of 2022

Arising Out of PS. Case No.-60 Year-2012 Thana- BARHIYA District- Lakhisarai

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AMAR NATH @ RANA SHANKAR VAKIL @ RAM SHANKAR SINGH
Son of Late Siyaram Singh Resident of village- Barhiya, Ward No.- 3 P.S.-
Barhiya, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manoj Kumar Son of Late Kameshwar Thakur Resident of village- Barhiya,
Ward no. 3 (Nauwa Toli), P.S.- Barhiya, District- Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Onkar Nath, Advocate
For the State	:	Mr.Rajendra Singh, APP
For the O.P.No.2:		Mr.Sanjeev Kumar, Advocate
		Mr.Ravi Kumar, Advocate
		Mr.Aman Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 23-06-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has challenged the cognizance order dated 29.05.2014 passed by the learned Chief Judicial Magistrate, Lakhisarai, in Barhiya P.S. Case No. 60/2012 corresponding to G.R. No. 648/2012, whereby cognizance was taken under Sections 406, 420 and 34 IPC.

3. The case of the prosecution is that the informant, Manoj Kumar, was elected as Ward Commissioner in the 2012 election and had received an election certificate. The petitioner is



said to have told the informant that an affidavit was required to be made for the election certificate. He took the certificate from him. He directed him to cast his vote in favour of Shail Devi. He never returned the certificate.

4. The counsel for the petitioner drew the attention of the Court towards the fact that the informant himself filed a petition before the learned CJM, Lakhisarai, wherein he disclosed the real motive behind the FIR, which was to punish the petitioner on account of local political rivalry. In the statements recorded under Section 161 Cr.P.C., the informant and his wife stated that the petitioner had taken only a photostatic copy of the certificate, and that the case had been lodged solely due to village politics.

5. The case is peculiar, and the allegations, even if taken at face value, do not make out any offence at all. The allegation is that a certificate was taken and the informant was asked to vote for a particular person. It later turned out that the certificate was only a photostatic copy. Moreover, the informant himself gave up his version in his petition before the learned CJM. Taking all this into consideration, this appears to be a *mala fide* exercise arising out of a local dispute, which has nothing to do with the offences alleged, and the continuance of proceedings cannot be countenanced. The present case squarely falls within the categories of cases



enumerated by the Supreme Court in *State of Haryana vs. Bhajan Lal and Others reported in 1999 Supp (1) SCC 335*, wherein it has been held that where the allegations made in the FIR or the complaint, even if 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, and where the criminal proceedings are manifestly attended with *mala fide* and where the proceedings are maliciously instituted with an ulterior motive, the High Court may quash the same in exercise of its inherent jurisdiction.

6. Resultantly, this application is allowed. Barhiya P.S. Case No. 60/2012 / G.R. No. 648/2012, and all proceedings arising therefrom, including the cognizance order dated 29.05.2014 passed by the learned Chief Judicial Magistrate, Lakhisarai, stand quashed.

(Ansul, J)

abhishekk/-

AFR/NAFR	NAFR
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