

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50339 of 2024

Arising Out of PS. Case No.-415 Year-2024 Thana- DANAPUR District- Patna

Santosh Bidua Son Of Gupteshwar Bidua R/O- Bhagwanpur, P.S.- Parasi,
Distt.- Arwal, At Present R/O- R.P.S.Mor, North Union, P.S.- Danapur, Distt.-
Patna

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 24-02-2026

Heard the learned counsel for the parties.

2. Despite valid service of notice upon O.P. No. 2,
nobody appears on behalf of the O.P. No. 2.

3. The present application has been filed for
quashing the F.I.R being Danapur P.S. Case No. 415 of 2024,
registered for the offence under Sections 341, 323 and 307 of
the Indian Penal Code.

4. The prosecution case is to the effect that the
informant has alleged that on 04.05.2024 at around 7:30 P.M.
in the evening, while he was going to the Shiv Mandir for
performing *Puja*, his brother-in-law namely, Santosh Bidua
(petitioner) objected to his performing *Puja* and assaulted him



with iron rod on his head, upon which he got grievously injured and thereafter he went to the sub-divisional hospital, Danapur, for treatment and thereafter, the FIR was lodged.

5. Learned counsel for the petitioner submits that the present FIR falls in the category of vexatious prosecution on account of some personal dispute between two brothers-in-law (*sala* and *bahnoi*). It has been submitted that with regard to performing *Puja*, a dispute arose between two parties and it was in fact the informant of the present case who had entered the house of the petitioner along with his father and had started abusing the petitioner and his wife, to which they objected. Thereafter, it was the informant who had assaulted the petitioner with fists and legs. It has further been stated that when the son of the petitioner intervened, the father of the informant even assaulted him and when the petitioner and his wife raised *hulla*, the informant snatched the gold chain of the wife of the petitioner and took away the cash amount kept in the house. He further submits that for such an offence, a complaint was lodged by the petitioner's wife on 09.05.2024, wherein she has stated that it was on account of a previous dispute between the two families, the informant of the present case along with his father had assaulted the petitioner and



others. It has been submitted that for the same incident which had occurred on 04.05.2024, the informant of the present case lodged an FIR with false and fabricated medical examination reports.

6. Learned counsel for the petitioner further pointed out that though the occurrence is said to have been committed on 04.05.2024, however, the FIR was lodged after two days of the occurrence on 06.05.2024. It has also been pointed out that though the informant has stated only about him being examined at the sub-divisional hospital Danapur, he had also prepared a medical examination report of PMCH of the same day, that is, 04.05.2024, however, from perusal of the same, which has been brought on record as Annexure-P2, the time is said to be 7:05 P.M.

7. It has further been submitted that from the perusal of the FIR, it would be evident that the time of occurrence is stated to be 7:30 P.M. on 04.05.2024, while the medical report has been prepared at 7:05 P.M. on 04.05.2024, that is prior to the occurrence. It has thus been submitted that in view of the above, a fabricated medical examination report has been prepared by the informant in order to prove his case. However, no such incident as alleged has occurred. It has next



been submitted that in view of the above, the present prosecution is an abuse of process of law and in view of the settled principles of law, as decided in the case of ***State of Haryana and Others v. Bhajan Lal and Others; 1992 Supp (1) SCC 335***, the continuation of the present proceeding would amount to abuse of the process of law, especially the fact that *prima facie* the case appears to be a false and concocted one.

8. Learned APP for the State has opposed the application and has submitted that there is a specific allegation made by the opposite party no. 2 that the petitioner had assaulted him and from the perusal of the medical examination report, it would be evident that there was some injury to the informant and reference has been given in the report of pain in the head and pain and swelling in the leg. It has further been submitted that the petitioner has prayed for quashing of the FIR and it would be not proper to entertain the same as it is a premature application.

9. Having considered the submissions made by the learned counsel for the petitioner as well as the learned APP for the State, it is evident that the FIR was lodged on 06.05.2024 at 7:30 P.M. while the incident is stated to be of 7:30 P.M. on 04.05.2024. From perusal of the medical examination report of



the PMCH brought on record by way of Annexure P2, it is also evident that it contains the computer entry of the informant at 7:05 PM on 04.05.2024, which is apparently prior to the time of occurrence as alleged in the FIR. The aforesaid anomaly directly goes to the root of the case and points out to the fact that a medical report has been prepared by the informant in collusion with others and the same has been used to implicate the petitioner in the present case.

10. Looking at the facts and circumstances of the case, it is evident that the petitioner and the OP no. 2/informant are brothers-in-law in relation and it is also evident that because of the close association and as would appear from the FIR, there being a dispute with regard to performing *Puja* at a temple, the FIR has come into existence.

11. An injury report prepared prior to the alleged assault time, contradicts the FIR making allegations absurd and inherently improbable, which would be covered by the categories defined by the Hon'ble Supreme Court in the case of ***Bhajan Lal and Others (supra)***.

12. In view of such glaring anomaly where the medical examination report has been prepared prior to the time of occurrence, the same amounts to using the court as a



platform to settle personal scores and it tantamount to abuse of process of law and therefore, if the FIR is allowed to sustain and a criminal trial is allowed to initiate on the basis of such allegations, the same would be travesty of justice which a constitutional court should not allow.

13. In view of the above, the F.I.R being Danapur P.S. Case No. 415 of 2024, and the entire criminal proceeding based on such is hereby quashed.

14. The application stands allowed.

(Sourendra Pandey, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.02.2026.
Transmission Date	

