

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1645 of 2019

Arising Out of PS. Case No.-38 Year-2015 Thana- TRAFFIC District- Patna

=====

Anjani Kumar Late Mithila Saran Singh Resident of Village - Rukanpura

... .. Petitioner

Versus

1. State Of Bihar
2. Devendra Prasad Singh Mithila Saran Singh R/O Vill. Rukanpura, Vijay Nagar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Rikesh Sinha, Adv.

For the Opposite Party : Mr. Sri Lakshmi Kant Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 21-07-2026

Heard the parties.

2. This application is directed for quashing of cognizance order dated 27.11.2018, passed in Yatyat(Traffic) (Saguna More) P.S. Case No. 38/2015 by Additional Chief Judicial Magistrate VI, Danapur under sections 279, 337, 338 of the I.P.C. against petitioner pending at present in the court of Additional Chief Judicial Magistrate VI, Danapur.

3. As per case of prosecution, informant, Devendra Prasad Singh on 07.09.2015 at about 6:30 O'clock while he was standing on Bailey Road in front of Rukanpura Purani



Central Bank for school bus of his son, who is studying in St. xavier's School, Gandhi Maidan Patna, the driver of one Motorcycle No.- BR-01BJ/6269, Anjani Kumar (Petitioner) came driving motorcycle in very rash and negligent manner and hit the informant. As a result he fell down to the ground and got injured. It is further stated that persons present there took the informant to Sub-Divisional Hospital Danapur for treatment, where the informant got his treatment.

4. With aforesaid allegation, (Traffic) Saguna More P.S. Case No. 38 of 2015 was registered on 08.09.2015 for the offences punishable under Section 279, 337 and 338 of the Indian Penal Code.

5. It is submitted by learned counsel for the petitioner that petitioner was implicated for the reason that O.P. No. 2 is in inimical terms with him due to land dispute and also as he lodged a criminal case against him in year 2015, which was registered as Rupaspur P.S. Case No. 188 of 2015 on 07.09.2015 for the offences punishable under Section 341, 323, 506 and 34 of the Indian Penal Code.

6. It is submitted that all offences are bailable and



compoundable in nature and this FIR was lodged in retaliation to earlier FIR which was lodged by him on just preceding day of the present occurrence out of oblique motive and with malafide approach and therefore, same is fit to be quashed in view of legal report as available through **State of Haryana v. Bhajan Lal, [1992 Supp (1) SCC 335]**.

7. Learned APP opposed the present quashing petition.

8. Despite service of notice, none appeared on behalf of O.P. No. 2 as to join the present pending proceeding.

9. Upon perusal of record, it appears that informant received injuries during the occurrence and there is no apparent reason to disbelieve his version at this stage, when the occurrence is supported by injured/informant himself. The motorcycle in issue which was alleged to cause accident was registered in the name of the petitioner.

10. It would be apposite to mention Para 102 of the **State of Haryana v. Bhajan Lal, [1992 Supp (1)**



SCC 335].

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission



of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

11. In view of aforesaid and by taking note of only defence argument as this petitioner was implicated falsely in the background of previous litigation it cannot be said at this stage that no case is made out against petitioner as truth



can be ascertained on the basis of evidence, during the trial only, accordingly, the present petition which is raising the disputed facts *qua* evidences is devoid of any merit, particularly when occurrence was supported by injured/ informant and, therefore, the same stands dismissed.

12. Let the copy of judgment be sent to learned trial court forthwith, with TCR if any.

13. Learned Trial Court is directed to conclude the trial expeditiously, in accordance with law, as occurrence is of year 2015.

(Chandra Shekhar Jha, J.)

Aniket/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.07.2026
Transmission Date	22.07.2026

