

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89621 of 2025

In
Criminal Writ Jurisdiction Case No.2237 of 2025

Arising Out of PS. Case No.-2 Year-2018 Thana- BHAGWANPUR District- Begusarai

Shiv Kumar S/o Late Ram Pavitra Mahto R/o vill - Basahi, ward no. 3, P.S.-
Bhagwanpur (Tiyai O.P.), Distt.- Begusarai, Bihar

... .. Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Begusarai Bihar
4. The Deputy Superintendent of Police, Teghra, Distt.- Begusarai Bihar
5. The Inspector of Police, Teghra, Distt.- Begusarai Bihar
6. The Officer in Charge of Bhagwanpur P.S., Distt.- Begusarai Bihar
7. The Investigation Police Officer of Bhagwanpur P.S. Case no. 2 of 2018 Bihar
8. Vijay Kumar S/o Ram Bahadur Mahto R/o vill - Basahi, P.S.- Bhagwanpur, (Teyai O.P.), Distt.- Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Jnanchandra Bhardwaj, Advocate
For the Opposite Party-State: Dr. Mritunjaya Kumar Gautam, APP
For opposite party No.8 : Mr. Shailendra Kumar Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
CAV ORDER

4 12-05-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned

counsel for opposite party No.8.

2. The petitioner has filed this application seeking

following reliefs: -

*“(i) For quashing the F.I.R. of
Bhagwanpur (Begusarai) P.S. case No. 02 of 2018
dated 04.01.2018 under section 147, 149, 341, 323,*



385, 379, 307, 427, 504, 506 I.P.C.

(ii) *For quashing the charge sheet no. 65 of 2019 dated 29.05.2019 of Bhagwanpur P.S. Case No. 02 of 2018 dated 04.01.2018.*

(iii) *For quashing the cognizance order dated 29.01.2020 under section 341, 323, 427, 504/34 IPC against the accused persons (1) Sanjiv Kumar @ Tinku (2) Shiv Kumar (Petitioner) (3) Ram Sobha Prakash (4) Sashi Bhushan Mahto (5) Balwant Kumar (6) Silwant Kumar passed in Bhagwanpur P.S. Case No. 02 of 2018 (Annexure-P/1) corresponding to G.R. No. 45/2018 by the learned Chief Judicial Magistrate, Begusarai, substance of acquisition dated 25.03.201 under section 323, 341, 504, 427, 506, 34 IPC explained to the accused persons named above by the Judicial Magistrate, Begusarai, and entire judicial proceeding up to 23.07.2025 including examination of prosecution witnesses dated 16.07.2025 passed by the Learned Additional District and Session Judge-III, Begusarai.”*

3. As per the prosecution case, the informant has alleged that, on 04.01.2018, at 09:30 AM, while he was constructing the boundary wall on his newly purchased land, in the meantime, his villagers, namely, Sanjiv Kumar, Shashi Bhushan Mahto, Shiv Kumar, Balwant Kumar and Shilwant Kumar, armed with iron rod, started breaking the boundary wall,



when the same was objected, the aforesaid persons started abusing and stated that how the boundary wall was being constructed without paying them extortion money. Upon further objection being made not to abuse the informant, the informant stated that the boundary wall was being constructed on his land and he would not pay the extortion money, then, it is alleged, the accused persons rushed towards the informant with iron rod so as to assault him, but the informant managed to escape, whereafter the accused persons started breaking the boundary wall by means of *khanti* and iron rod. It has further been alleged that the informant again came along with his uncle at the place of occurrence and objected not to break the boundary wall, upon which Sanjiv Kumar @ Tinku started assaulting the uncle of the informant by means of iron rod, as a result of which he fell down and became unconscious. Lochan Mahto was assaulted on his head by Shashi Bhushan Mahto by means of iron rod, as a result of which he fell down on the ground. It is further alleged that Shiv Kumar (the petitioner) snatched a gold chain from the neck of the informant, while Balwant Kumar and Shilwant Kumar dragged the informant's uncle on the ground by wrapping muffler around his neck and Ram Sobha Prakash assaulted him by iron rod. It is also alleged that the accused



persons damaged the motorcycle and trailer while retreating from the place of occurrence and also threatened them to pay the extortion money, else they would have to face the consequences. On the basis of the aforesaid allegation, Bhagwanpur P.S. Case No. 02 of 2018 came to be registered for the offences punishable under Sections 147, 149, 341, 323, 385, 379, 307, 427, 504, 506 I.P.C.

4. The police upon thorough investigation, finding the case true under Sections 341, 323, 427, 504, 506 and 34 I.P.C., filed charge-sheet against the petitioner, co-accused Sanjiv Kumar @ Tinku and Ram Sobha Prakash. Thereafter, on the basis of such charge-sheet, the learned Magistrate took cognizance against the petitioner under Sections 341, 323, 427, 504, 506 and 34 I.P.C. by order dated 29.01.2020.

5. Learned counsel for the petitioner has submitted that there is a land dispute between the parties since long and there is a case and counter case between the parties and in the background of the land dispute, the present false accusation has been made. He has further submitted that the injury report of the uncle of the informant is false and fabricated one and, in fact, it was the informant side who were the aggressors. Moreover, it has been submitted that there is no *prima facie* material against



the petitioner and the learned court below took cognizance against the petitioner in a mechanical manner without applying judicial mind.

6. Learned Additional Public Prosecutor appearing on behalf of the State vehemently opposed the application of the petitioner and submitted that though there may be land dispute between the parties and there is a case and counter case, but injuries have been sustained in the alleged incident and the uncle of the informant was assaulted with iron rod and was seriously injured. It has further been submitted that, at this stage, when a *prima facie* case is made out against the petitioner, the proceeding against the petitioner should continue and hence prayed for dismissal of the present application.

7. Heard the parties and perused the record.

8. It is crystal clear that some occurrence of assault has taken place between the parties resulting into injuries and the learned Magistrate, taking note of the entire facts and circumstances, has found *prima facie* material against the petitioner. The submissions advanced on behalf of the petitioner is the defence of the petitioner, which cannot be considered at this stage, and hence this Court is left with no other option but to dismiss this application.



9. This application is devoid of merit and is accordingly dismissed.

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	07.04.2026
Uploading Date	12.05.2026.
Transmission Date	12.05.2026.

