

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2515 of 2024

Manish Kumar, S/o Shiv Shankar Yadav, R/o Vill - Gangahar, P.S. - Ara
Muffasil, Distt.- Bhojpur

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Home Secretary, Home Deptt., Govt. of Bihar, Patna
3. The District Magistrate, Ara Bihar
4. The Superintendent of Police, Buxar Bihar
5. The Superintendent of Police, Bhojpur, Ara Bihar
6. The Station House Officer, Murar, Buxar Bihar
7. The Station House Officer, Muffassil Police Station, Ara Bihar

... .. Respondents

Appearance :

For the Petitioner : Mr. Malti Kumari, Advocate
For the State : Mr. Akhileshwar Singh, AC to G.A-2

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT

Date : 16-06-2026

The present writ petition has been preferred by the Petitioner seeking lodging of FIR against the Station House Officer, Murar, Buxar, pleading that despite the written report given by the Petitioner to the concerned Officer In-Charge, of the Police Station, and the Superintendent of Police, as well as the District Magistrate, FIR has not been lodged by the concerned police station.

2. As per the allegation, the Petitioner was brutally assaulted by the Station House Officer, Murar, Buxar breaking his both legs without any rhyme and reason, only on account of



the Petitioner belonging to a particular caste. As per the written report submitted by the Petitioner to the concerned police officer, the Petitioner had gone to the stall of his friend situated in the village Chaugaya on 04.07.2024 for online uploading of title documents in regard to his land. At 2:00 PM. When the Petitioner was going to answer the call of nature, the vehicle of Murar police station came, wherein, the Station House Officer, Murar Police Station and other constables were present. The Station House Officer called him and enquired about him and when he came to know that he belongs to a particular caste, he started abusing him in filthy language and assaulting him with his *danda* breaking his both legs.

3. The X-Ray report of the broken legs of the Petitioner has been annexed with this writ petition, clearly showing that the Petitioner has suffered at the brutal hands of the accused, who happened to be a police officer, who is supposed to be a protector of the life and liberty of a citizen.

4. Counter affidavit on behalf of the Superintendent of Police, Buxar has been filed, as per which, the breaking of legs of the Petitioner is admitted. The defense put forward by the police is that the police has not beaten the Petitioner. The Petitioner had in fact, slipped on account of rainy weather



resulting into breaking of his legs. However, the breaking of the legs of the Petitioner, as is visible in the X-Ray Report, does not persuade this Court to accept the explanation given by the police, nor can one believe that a poor man who does not gather courage to lodge FIR even against his co-citizen can dare to lodge false report against a police officer.

5. Be as it is, as per the allegation, prima facie case of cognizable offence is clearly made out against Kamal Nayan Pandey, who was the then Officer in-Charge of Murar Police Station, Buxar, Ara. The Court, at this Stage, is required not to look into the veracity of the allegation but to see to it that as per the allegation, prima facie cognizable offence is made out, warranting registration of FIR against the accused, and it is needless to say that as per the allegation, there is clearly commission of serious cognizable offence by the accused.

6. Moreover, for prosecution of the accused, who happened to be a police officer, does not require even sanction under Section 197 Cr.PC/ 218 B.N.S.S. because such brutal act on the part of the police officer against a poor man is not a part of his official duty.

7. It is shocking and disturbing that the cry of the victim for lodging of FIR before the concerned police officers,



including the Superintendent of Police and the District Magistrate, went unheard by the officers despite their duty to do the needful to prosecute the accused, even if the accused happened to be an officer. It is trite to say that ours is a constitutional democracy based on rule of law. Howsoever high one may be, the law is above all. There is also equality before law and equal protection of law of everybody, howsoever poor he may be.

8. At this stage, referring the Petitioner to the Judicial Magistrate under Section 156(3) Cr.PC/175(3) B.N.S.S. would be further injustice to the Petitioner. Moreover, as per the allegation, there is clear violation of fundamental right of the Petitioner as granted and guaranteed under Article 21 of the Constitution requiring immediate lodging of FIR, failing which, the people of the Country would lose faith not only in police but even in the Writ Court.

9. Hence, the Station House Officer, Murar Buxar is directed to lodge FIR against Kamal Nayan Pandey, the then Station House Officer, Murar, Buxar.

10. The Director General of Police, Bihar is directed to take compliance report from the Station House Officer, Murar, Buxar, Ara regarding lodging of the FIR and entrust the



investigation to the Crime Investigation Department because this case is lodged against a police officer.

11. In case, the Petitioner is not satisfied by the investigation of the C.I.D. also, then he would be at liberty to file a further writ petition before this Court seeking appointment of C.B.I. to investigate into the matter, because this matter relates to protection of the fundamental right of the people and brutality committed by the police officer. If such conduct is not controlled and checked, the whole rule of law and constitutional protection of life and liberty of the citizen of the country would go to wind and the national police may become like one of Nazi Germany.

12. The present writ petition is allowed, accordingly.

13. The D.G.P., Bihar is also directed to send a compliance report to the Registrar General of this Court to be put up on record within thirty days.

(Jitendra Kumar, J.)

Chandan/-

AFR/NAFR	A.F.R
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