

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.880 of 2026

Arising Out of PS. Case No.-126 Year-2026 Thana- KESARIA District- East Champaran

Naj Ahmad Khan @ Pappu Khan Son of Manir Ahmad Khan Resident of
Village- Bairiya, P.S.- Keshariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Superintendent of Police, East Champaran, Motihari Bihar
4. The S.H.O., Kesariya Police Station, East Champaran, Motihari Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate
For the Respondent/s : S.C.12

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-06-2026

The hard copy of the counter affidavit has been filed
in the Court by the learned counsel for the State/respondents.

The same is taken on record.

02. The present petition has been filed seeking the
following reliefs:-

*(i) For the issuance of an appropriate
Writ to quash the F.I.R. of Kesariya P.S.
Case No. 126/2026 dated 21.3.2026,
registered u/s. 318(4), 338, 336(3),
340(2), 61(2) of B.N.S.*

*(ii) For the issuance of an appropriate
Writ/Direction to the Respondents
prohibiting them to take any coercive step
against the petitioner in the abovenoted*



case.

(iii) For the issuance of any other appropriate Writ/Direction to the respondents as your Lordships may deem fit and proper for the ends of Justice.”

03. Heard learned counsel for the petitioner as well as learned counsel for the State/respondents.

04. Learned counsel for the petitioner submits that Kesariya P.S. Case No. 126/2026 has been registered with allegation that the petitioner was involved with coaccused for falsification of record. From the FIR, it is also clear that forged and fabricated report was submitted by the chowkidar when the report was called for in connection with the criminal antecedents of the petitioner as the petitioner sought issuance of license for the second firearm. But the petitioner cannot be made responsible for any forgery which was done by the coaccused who was himself the staff of the establishment. Learned counsel further submits that there is no material on record to show the involvement of the petitioner and continuation of the FIR would be abuse of process of law. Learned counsel also submits that the petitioner is a politician and he has contested the assembly election and his wife is Prakhand Pramukh of Kesariya Prakhand and due to political



rivalry, he has been dragged in the present case with completely vague and concocted allegation. Learned counsel further submits that in these circumstances, the FIR of Kesariya P.S. Case No. 126/2026 is not sustainable and the same may be quashed.

05. Learned counsel appearing on behalf of the State/respondents submits that the petitioner applied for grant of license for a second firearm and a report was called for about his criminal antecedent. The petitioner induced the coaccused chowkidar for submitting a forged and fabricated report. Learned counsel further submits that the petitioner lured the chowkidar in giving the report by threatening and blackmailing him that he would make some video of the chowkidar viral. Learned counsel further submits that the petitioner is having a long criminal history and altogether 23 cases have been instituted against him under various provisions of law. Learned counsel further submits that the petitioner has been absconding in this case and process of Section 84 of the BNSS has been issued by the learned trial court. Learned counsel further submits that from the bare perusal of the FIR, it is clear that offences under section 318(4), 338, 336(3), 340(2), 61(2) of the BNS are made out against the petitioner and the petitioner has



been unable to show that why the prosecution agency would be inimical to the petitioner. Merely saying that the petitioner is a politician and contested election is of no use in absence of any substantive material to show *mala fide*. Therefore, the present writ petition is devoid of any merit and the same may be dismissed.

06. From the contents of the FIR of Kesariya P.S. Case No. 126 of 2026, it is apparent that the said FIR has been registered with allegation that forged signature of different police officials including SHO etc. were used in giving a false report about criminal antecedent of the petitioner showing him to be a man of clean antecedent. It has further been alleged that the petitioner entered into a conspiracy with coaccused and used him to submit a forged and fabricated report in his favour. Therefore, in absence of any material to show *mala fide* or absence of commission of any cognizable offence, the FIR could not simply be quashed. The FIR shows commission of cognizable offences. Institution of a case and subsequent investigation are within the domain of the prosecuting agencies and if the allegation *prima facie* shows commission of a cognizable offence and the petitioner fails to establish any *mala fide* or to show that the prosecution is against the law, the FIR



could not be quashed.

07. Hon'ble Supreme Court in para 102 of the case of ***State of Haryana and Others Vs. Bhajan Lal and Others, 1992*** ***Supp (1) Supreme Court Cases 335*** has cited certain instances where the FIR could be quashed and the same reads as under:

“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 informant 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 persons 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 concerned Act (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 concerned Act, 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.”

08. The case of the petitioner is not covered under any of the aforesaid guidelines, therefore considering the facts and circumstances in totality, I do not find any merit in the present writ petition and hence, the same is dismissed.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
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