

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58383 of 2023

Arising out of PS. Case No.-583 Year-2022 Thana- DANAPUR District- Patna

Nikhil Kumar S/o Shri Pankaj Kumar R/o vill - Dumri, P.O. - Nishchhanganj,
P.s. - Parwalpur, Distt. - Nalanda, at present residing at Mithila Colony,
Digha, Hanuman Mandir, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar (CONSTABLE) Son of Shyam Paswan Resident Of Village-
Pachrukhi Po- Shiraili, Ps- Khijasarai, Distt- Gaya At Present- B.S. College
Danapur, Ps- Danapur, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 02-04-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the order dated
16.08.2022 passed by learned Additional Chief Judicial
Magistrate-I, Danapur, Patna in Danapur P.S. Case No. 583 of
2022 (G.R. No. 2743 of 2022) by which he has taken cognizance
under Sections 341, 323, 353 and 504 of the Indian Penal Code.

3. The prosecution case is that the informant is a
Constable posted at Bihar Avar Seva Aayog, Patna and at the time
of occurrence he was deputed at Physical Test Camp which was
being conducted at B.S. College for appointment of trainees Sub-



inspector. It is also alleged that sister of the petitioner namely Kumari Kajal after qualifying in running, during high jump got injured. After primary check-up, Doctors said that left hand of Kumari Kajal was fractured and, thereafter, she was sent to the Hospital for treatment. During physical test, the petitioner entered in the camp forcefully by pushing the police officials and started abusing and saying that why his sister was not allowed to participate in long jump and started abusing and creating nuisance in official work.

4. Learned counsel for the petitioners submits that after completion of investigation charge-sheet against the petitioner was submitted and the learned Court below in mechanical manner without assigning any reason took cognizance against the petitioner *vide* order dated 16.08.2022. It is further submitted that the police only to save their own skin from the fracture of the hand of the sister of the petitioner in physical test conducted by the police officials lodged the false prosecution against the petitioner. It is also submitted that from perusal of the FIR it appears that the petitioner had gone with his sister for physical test and her left hand was fractured and the emotion of the brother must have been running high at that point of time due to which the petitioner had exchanged some hot talk with police officials. It is lastly submitted



that the petitioner is a young boy aged about twenty one years and his career is at peak.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the order dated 16.08.2022.

6. Considering the nature of allegation and the fact that the petitioner is a young boy aged about twenty one years and his career is at stake, the order dated 16.08.2022 passed by learned Additional Chief Judicial Magistrate-I, Danapur, Patna in Danapur P.S. Case No. 583 of 2022 (G.R. No. 2743 of 2022) by which he has taken cognizance under Sections 341, 323, 353 and 504 of the Indian Penal Code is quashed so far as the petitioner is concerned.

7. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

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

