IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32171 of 2019

Arising out of PS. Case No.-106 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

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1. Tinku Kumar @ Tinku Singh, S/o Raj Kumar Singh Resident of Badki Babhni, P.S.- Magadh University, Distt.- Gaya
2. Sanjay Kumar Ranjan, S/o Ram Swaroop Yadav Resident of Route Institute Bodh Road, Gaya, P.S.- Bodh Gaya, Distt.- Gaya
3. Dhananjay Kumar @ Chhotu Singh, S/o Chandra Bhushan Singh Resident of Rajapur, Bodh Gaya, P.S.- Bodh Gaya, Distt.- Gaya

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Sudha Chandra, Advocate
Ms. Tulika Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 11-05-2026

By order dated 08.05.2026, the present application with regard to Petitioner No. 1 namely Tinku Kumar @ Tinku Singh and Petitioner No. 3 namely Dhananjay Kumar @ Chhotu Singh was withdrawn.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. Petitioner No. 2 namely Sanjay Kumar Ranjan seeks quashing of the order of cognizance dated 06.03.2019 passed by

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learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Magadh University P. S. Case No. 106 of 2018 for the offences under Sections 147, 148, 149, 341, 323, 307 and 120(B) of the IPC and Section 27 of the Arms Act.

4. The prosecution has been initiated on the statement of one Sudhir Yadav. He alleges that in the context of land dispute he was threatened by seven persons including the petitioner. On 30.08.2018, all of them caught him near "*Langra Pull Sripur Tar*". Thereafter, the FIR enters into the area of graphic detailing and becomes an exclusive case of over-implication. The informant states that Shankar Yadav caught his collar, Ramswaroop Yadav caught his neck, Sanjay Kumar Ranjan (Petitioner) caught his both hands, Mahesh Yadav caught his waist, Dhananjay Kumar alias Chotu Singh caught his collar from behind and Tinku Singh caught his hair and then Shankar Yadav, Ramswaroop Yadav alias Master and Mahesh Yadav exhorted to shoot him in his private part. On this, Shankar Kumar alias Shri Yadav fired after pointing towards his private part which hit him in his left rib-cage.

5. Learned Counsel for the petitioner has pointed towards the injury report which shows lacerated wound upon left illium or illiuc bone in left flank of abdomen exposing muscles with loss of skin in front of Injury No. 1. The injury report will not

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even suggest it to be a case of fire arm injury. However, even if it is presumed to be a firearm injury the only conclusion is that the bullet touched the body and passed by him. In the backdrop of admitted land dispute, the FIR itself assumes a serious context. He may be having some dispute with Shankar Kumar but in his over anxiety he spread the net very wide. He has not only implicated others but has attributed specific role as if some novel was being written or cinema was being played out. Moreover, if he says that the shot was pointed towards the private part but it struck his rib-cage then it cannot be a case of point blank firing. The firing must have been made from a distance. In such a situation, persons who were surrounding him had every chance of getting hurt instead of him but nobody got hurt.

6. Judicial notice must be taken of this tendency of some seasoned litigants to over implicate people. Over-implication apart from false implication has been the bane of criminal litigation for long. An attempt can be made to define the same. The same occurs in situation where some wrong has been committed with a person by some particular person. He, however, takes it as an opportunity to implicate many of his enemies who may not have any role to play in the crime. In cases of assault it takes the form of being “member of the mob” and assignment of useless and petty roles to

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accused. “Member of the mob” is a term which is echoing in the courtroom of Bihar for a very long time. It would mean person present at the place of occurrence with no specific overt Act. In matters relating to money transactions it takes the form of persons other than signatories of the documents like agents who negotiated the transactions or before whom money was paid.

7. The legal system is completely aware of such nefarious activities. This has been taken note of very clearly in matrimonial disputes, land disputes and criminal cases arising out of land disputes.

8. The quashing jurisdiction which has evolved from the case of **State of Karnataka v. L Muniswamy and Ors** reported in **(1977) 2 SCC 699** as well as in the case of **State of Haryana v. Bhajan Lal** reported in **AIR 1992 SC 604** and also in the case of **Md. Salib v. State of Uttar Pradesh** reported in **(2023) 20 SCC 194.** The relevant paragraph 8 of **L Muniswamy** case is as under:-

> *“8. Let us then turn to the facts of the case to see whether the High Court was justified in holding that the proceedings against the respondents ought to be quashed in order to prevent abuse of the process of the court and in order to secure the ends of justice. We asked the State counsel time and again to point out any data or material on the basis of which a reasonable likelihood of the respondents being convicted of any offence in connection with the attempted murder of the complainant could be predicated. A few bits*

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here and a few bits there on which the prosecution proposes to rely are woefully inadequate for connecting the respondents with the crime, howsoever skilfully one may attempt to weave those bits into a presentable whole. There is no material on the record on which any tribunal could reasonably convict the respondents for any offence connected with the assault on the complainant. It is undisputed that the respondents were nowhere near the scene of offence at the time of the assault. What is alleged against them is that they had conspired to commit that assault. This, we think, is one of those cases in which a charge of conspiracy is hit upon for the mere reason that evidence of direct involvement of the accused is lacking. We have been taken through the statements recorded by the police during the course of investigation and the other material. The worst that can be said against the respondents on the basis thereof is that they used to meet one another frequently after the dismissal of Accused 1 and prior to the commission of the assault on the complainant. Why they met, what they said, and whether they held any deliberations at all, are matters on which no witness has said a word. In the circumstances, it would be a sheer waste of public time and money to permit the proceedings to continue against the respondents. The High Court was therefore justified in holding that for meeting the ends of juslicc the proceedings against the respondents ought to be quashed."

9. The relevant paragraph 26 of **Md. Salib** case is as under:-

"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure

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(CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby

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attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

10. In the backdrop of land dispute coupled with this frivolous case, the order of cognizance dated 06.03.2019 passed by learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Magadh University P. S. Case No. 106 of 2018 for the offences under Sections 147, 148, 149, 341, 323, 307 and 120(B) of the IPC and Section 27 of the Arms Act is quashed so far as the petitioner No. 2 namely Sanjay Kumar Ranjan is concerned.

11. With the aforesaid observations, the present application stands allowed.

(Ansul, J)

Vikash/-

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

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