

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.851 of 2026**

Arising Out of PS. Case No.-127 Year-2026 Thana- KESARIA District- East Champaran

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Naj Ahmad Khan @ Pappu Khan S/O Late 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

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**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate  
For the Respondent/s : S.C 23

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

Date : 19-06-2026

The present writ 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. 127/2026 dated 21.3.2026, registered u/s. 126(2) / 115(2) / 191(2) / 191(3) /190 /109 /132 /352 /351(2) of B.N.S., 2023 to the extent of the petitioner above named.*

*(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.*

*(iv) For the issuance of an appropriate Writ/Direction to the respondents to secure the constitutional right of the petitioner.”*

02. Learned counsel for the petitioner submits that the petitioner a politician and his wife is Prakhand Pramukh of Kesariya Prakhand. The petitioner has also fought the Assembly Elections and secured 3<sup>rd</sup> position. Due to political rivalry, he is being made accused in a number of cases. Kesariya P.S. Case No. 127 of 2026 has been instituted against the petitioner in the background of registration of Kesariya P.S. Case No. 126 of 2026. Now Kesariya P.S. Case No. 126 of 2026 has been registered against the petitioner and other coaccused as a report was submitted on application of the petitioner for grant of license for a second firearm mentioning that petitioner has no criminal antecedent. Subsequently, it came to the notice that petitioner has altogether 23 criminal antecedents and a wrong report was submitted at the instance of the petitioner but the petitioner could not have any role in submission of such wrong report and it could be presumed that the authorities themselves submitted a false report so that the petitioner could be made



accused in that case. In this backdrop of the fact with allegation of conspiracy against the petitioner in getting a false report being submitted for his criminal antecedents in Kesariya P.S. Case No. 127 of 2026, it has been alleged that when the police went for investigation in Kesariya P.S. Case No. 126 of 2026, the petitioner and other coaccused persons threatened and assaulted the police party but the allegations are completely *mala fide* as it is not believable that for investigation in Kesariya P.S. Case No. 126 of 2026 police party would go to the house of the petitioner. When the petitioner has no role in Kesariya P.S. Case No. 126 of 2026 there was no need to investigate the matter by going to the house of the petitioner. Learned counsel further submits that it appears that due to political rivalry, the petitioner is being dragged in this case. Learned counsel further submits that considering the *mala fide* nature of FIR of Kesariya P.S. Case No. 127 of 2026, the same may be quashed.

03. Learned counsel appearing on behalf of the State/respondents, at the outset, submits that the petitioner is a habitual offender and has a long criminal history. He is accused in altogether 23 cases. Even some of the persons who have been made accused along with the petitioner in Kesariya P.S. Case No. 126 of 2026, also bear criminal antecedents ranging from



one to five cases. Learned counsel further submits that the investigation is still under progress and evidence is being collected. The petitioner is the prime accused in Kesariya P.S. Case no. 127 of 2026 and when the police went to arrest the petitioner, the police team was assaulted and the facts clearly show commission of offences under Section 126(2), 115(2), 191(2), 191(3), 190, 109, 132, 352, 351(2) of the BNS. Learned counsel further submits that the allegation of *mala fide* is false as the petitioner is having antecedent of large number of cases and merely saying that Kesariya P.S. Case No. 126 of 2026 shows *mala fide* of the prosecution is wrong and incorrect as the ultimate beneficiary of false report was the petitioner who sought issuance of license for second firearm. Learned counsel thus submits that there is no merit in the present writ petition and the same may be dismissed.

04. Perused the record.

05. Kesariya P.S. Case no. 127 of 2026 has been registered with allegation that when the police party reached the house of the petitioner while investigating Kesariya P.S. Case no. 126 of 2026, the petitioner and other coaccused persons became violent and a mob assembled on call of the petitioner and at the instigation of the petitioner, other coaccused persons



and the mob assaulted the police party with *lathi*, *phatha* and iron rod causing injuries to them. The petitioner could not be arrested. Some video and photographs were also taken. Therefore, the contents of the FIR clearly show commission of cognizable offences. So far as submission of learned counsel for the petitioner about police acting in *mala fide* manner is concerned, Kesariya P.S. Case no. 126 of 2026 has been registered while verifying the facts about submission of false report in favour of the petitioner by a police personnel who submitted a false investigation report of criminal antecedents of the petitioner. If the petitioner applied for a second firearm license and some report was being submitted showing nil criminal antecedent against the petitioner the ultimate beneficiary would have been the petitioner. Apart from that a number of forgeries would have been committed while preparing this report. Merely saying that the petitioner has no role in submission of such false report would not cut much ice.. For the simple reason that whoever was involved in such forgery, the same was being done to benefit the petitioner. In these circumstances and considering the long criminal history of the petitioner, I do not think imputation of *mala fide* of prosecution is sustainable. Therefore, I am of the opinion that



the petitioner has not been able to make out a case for quashing of FIR of Kesariya P.S. Case No. 127 of 2026.

06. Moreover, 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.”*

07. It is apparent that the case of the petitioner is not covered under any of the instances/guidelines mentioned in the case of *State of Haryana* (supra). Therefore, finding no merit in the present petition, the same is dismissed.

**(Arun Kumar Jha, J)**

Anuradha/-

AFR/NAFR	NAFR
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