

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43944 of 2021

Arising Out of PS. Case No.-199 Year-2017 Thana- BODHGAYA District- Gaya

SANTOSH KUMAR SUMAN @ SANTOSH MANJHI Son of Sri Jitan Ram Manjhi Resident of Village - Godawari, P.S.- Vishnupad, Distt.- Gaya at Present Cabinet Minister, Minor Irrigation Department and Schedule Caste and Schedule Tribe Welfare Department, Govt. of Bihar, Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar Mr. Ritika Rani Mr. Vardhan Mangalam
For the Opposite Party/s	:	Mr. A. G Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 03-02-2026 Heard the parties.

2. This application has been filed for quashing the order dated 12.02.2021 passed by the learned Chief Judicial Magistrate, Gaya in Bodh Gaya P.S. Case No. 199 of 2017.

3. As per the prosecution case, the Police Inspector cum- Station House Officer, Bodh Gaya police station wrote his self statement alleging therein that he got telephonic information about road block at Domuhane Chowk by some persons and to that effect Sanha entry was recorded and thereafter he proceeded to Domuhane Chowk. When he reached Domuhane Chowk, he saw some people burning tyre who were armed with Lathi, Danda and Tangi and they were also indulged in shouting and



indulged in misbehaving with travelers. The petitioner, Dilip Yadav and Dina Manjhi, Nandlal Manjhi were addressing to the gathering by loudspeaker. Thereafter, the Block Development Officer, Bodh Gaya, after knowing about the aforesaid incident also reached there and when he asked about the reason of the occurrence then they replied that, for not arresting victim of Magadh University, Bodh Gaya PS Case No. 14/2017 and conducting medical Board of Victim Soni Kumari.

4. It is further alleged that despite the assurance given by the government officials about redressal of the grievances of the gathering they did not agree to close their protest and in the meanwhile accused Shyam Lal Manjhi, Karu Manjhi started to instigate the gathering and because of the same, a lady who was wearing Burka was insulted, on which, the Station House Officer, Transport, PS Bodh Gaya rescued the lady. Thereafter Sanjay Kumar, SHO, was assaulted 3-4 times causing injury in the head and hand and the Chowkidar, who was present there, had identified the miscreants who were involved in teasing and insulting the victim lady as Ashok Paswan, Jawahar Paswan, Naresh Manjhi, Vijay Manjhi, Mahesh Manjhi, Butai Choudhary. It is further alleged that about 30-40 boys who were with Lathi, Danda also attacked on a tempo which was coming



on Dobhi Road as a result of which glass of the tempo became damaged. The Dy. S.P, Law reached the place of occurrence and persuaded the gatherings for removing the blockade and thereafter road block was removed and for the aforesaid occurrence, FIR was instituted against the petitioner and other accused persons being Bodh Gaya PS case No. 199/17 dated 01-04-2017 for the offences u/s 109, 147, 148, 149, 188, 341, 323, 325, 338, 354(B), 333, 363, 427, 504 IPC and 72 of Bihar Police Act, 2007 and section 4 of the Prevention of Damage of Public Property Act, 1984.

5. It has been submitted by the learned counsel for the petitioner that the petitioner, who is presently serving as Minister in the Bihar Government, has falsely been implicated in this case because of political rivalry. He further submits that the petitioner was just addressing the gathering.

6. Learned counsel for the petitioner further submits that the order taking cognizance is bad in the eyes of law as the same is based on no evidence and has been passed without application of mind.

7. Learned counsel for the State Mr. Jharkhandi Upadhyay, though, has opposed the application of the petitioner but has submitted that there is only allegation against the



petitioner that he was addressing the gathering.

8. I have heard and considered the submission of the parties.

9. Upon reading of the FIR and considering the submission of the parties, it is clear that there is no allegation of assault against the petitioner and he was only addressing the gathering which does not support the prosecution case.

10. In view of the above, this application is allowed.

11. Accordingly, the order dated 12.02.2021 passed by the learned Chief Judicial Magistrate, Gaya in Bodh Gaya P.S. Case No. 199 of 2017 is hereby quashed qua the petitioner only.

(Sandeep Kumar, J)

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