

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.261 of 2014

Dayanand Diwedi son of Sachchidanand Diwedi, Resident of Village-
Malkuli, P.S- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar.
2. The Deputy Inspector General of Police, Champaran Range, Bettiah.
3. The District Magistrate, Bettiah.
4. The Superintendent of Police, Bagaha, West Champaran.
5. The Deputy Superintendent of Police, Bagaha, West Champaran.
6. The Officer-in-charge, Bagaha Police Station, Bagaha, West Champaran.
7. The Superintendent of Police, Rail, Muzaffarpur.
8. The Officer-in-charge, Balmikinagar Police Station, West Champaran.
9. The Officer-in-charge, Narkatiyaganj Rail, District- West Champaran.
10. Vijay Kumar son of Purnmashi Ram
11. Purnmashi Ram son of Late Mahar Ram

Both respondent nos.10 and 11) are resident of village + P.O-
Narainpur, P.S- Bagaha, District- West Champaran, Bettiah.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the State : Mr. Shahid Siddiqui, AC to AAG-9
For Respondent nos. 10 & 11: Mr. Nadim Seraj, Advocate
: Mr. Shailesh Kumar, Advocate
: Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-01-2015 By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents to enquire the case afresh regarding the seizure of the arms of respondent no.11 after taking permission from the court in Balmiki Nagar P.S. Case No. 4 of 2005 and direct the respondent-authorities concerned to re-investigate the matter and take appropriate action against the person in whose name the licence of arms has been issued and seized in Balmiki Nagar P.S. Case No. 4 of 2005.



It would appear from the record that the petitioner is not the informant of the aforesaid Balmiki Nagar P.S. Case No. 4 of 2005. The informant of the case is one Nagendra Prasad Singh, an Assistant Sub-Inspector of Police. It would further appear from annexure 5 to the writ petition that earlier the petitioner had filed an application under section 482 of the Code of Criminal Procedure vide Cr. Misc. no. 905 of 2008 for quashing the order dated 15th March, 2005 passed by the Additional Chief Judicial Magistrate, Bagaha, West Champaran by which he had released arms in favour of Vijay Kumar and Purnmashi Ram in Bagaha Nagar P.S. Case No. 4 of 2005. While dismissing the said application on 12th August, 2013, a Bench of this court made observations as under:-

“The petitioner is stranger to the present criminal prosecution and I am unable to convince myself that he would have the locus to challenge the order of release.

Hence, the application is dismissed.”

The petitioner did not challenge the aforesaid order dated 12th August, 2013 before any court. In the present case, the petitioner has annexed a copy of the charge-sheet in Balmiki Nagar P.S. Case No. 4 of 2005. The charge sheet was submitted on 18th March, 2005 under sections 25(I-B) (a), 26, 35 of the Arms Act. The name of the petitioner does not find place in the column

of witnesses. Hence, I find that the petitioner is neither informant nor accused nor a victim in Balmiki Nagar P.S. Case No. 4 of 2005. He is certainly stranger to the criminal prosecution in the aforesaid case. He has no locus to seek a remedy of re-investigation or further investigation of the case.

In view of the above, I am of the considered opinion that the present application is not only frivolous but misconceived too. He is repeatedly approaching and wasting time of the Court in a frivolous manner. He is warned to be cautious in future.

The application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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