

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1036 of 2013

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Ram Niwas Singh son of Late Shivpujan Singh, resident of village- Sonpa,
P.S. Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Bihar, Old Secretariat, Patna.
4. The Deputy Inspector General of Police, Shahabad Range, Dihir-on-Sone, Rohtas.
5. Superintendent of Police, Buxar.
6. Deputy Superintendent of Police, (Sadar), Buxar.
7. The Officer-in- Charge, Rajpur Police Station, Rajpur, Buxar.
8. Sri Abhai Kumar Sharma, ASI, Rajpur Police Station, Rajpur, P.S.- Rajpur, District- Buxar.
9. Raj Kumar, Sub Inspector of Police, Rajpur Police Station, Rajpur, District-Buxar.
10. Pankaj Rai son of Kamta Rai, resident of village- Jalipur, P.S. Rajpur, District- Buxar.
11. Sintu Rai @ Anjani Rai son of Shashi Bhushan Rai, resident of village- Thora, P.S.- Mufassil, District- Buxar.
12. Deepak Rai son of Munna Rai, resident of village-Dihiri, P.S.- Rajpur, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Tulika Singh, Advocate

For the Respondent/s : Mr. Prahlad Kumar Bhagat, G.P.-13

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 06-01-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is a named accused in Rajpur P.S.123 of
2013 registered for the offences punishable under sections
182/211 of the Indian Penal Code as well as sections 25(1-B)(a),

26 and 35 of the Arms Act.

Initially, on the basis of statement of the petitioner, Rajepur P.S. Case No.8 of 2013 dated 15th January, 2013 was registered under section 506 of the Indian Penal Code as well as sections 25(1-B)(a), 26 and 35 of the Arms Act against three persons i.e. respondent nos.10 to 12. The police investigated the matter and found the allegations made by the petitioner to be false and accordingly, a separate FIR was instituted in which the petitioner is being prosecuted.

In the present writ petition filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner in paragraph-1 is as under:-

“1.That through this writ application the petitioner seeks following reliefs;

I. To issue an appropriate writ, order or direction to the respondent to institute a high level enquiry into the excess committed by respondent no. 8 and 9 with the petitioner in course of investigation of Rajpur P.S. Case No.8/13 and Rajpur P.S. Case No.123/13.

II. To issue an appropriate writ, order or direction commanding the respondent 2 to 5 for taking disciplinary action against respondent no.8 and 9 for saving illegally the accused persons of Rajpur P.S. Case No.8 of 13.

III. To issue an appropriate writ, order or direction commanding the respondents to provide proper protection to the life and property of the petitioner his family members and witnesses of Rajpur P.S. Case No.8/13.

IV. To issue an appropriate writ, order or direction for handing over the investigation of Rajpur P.S. Case No.123/13 to the CBI or any other agency for impartial investigation.

V. To issue an appropriate writ, order or direction restraining the respondent no.9 from investigating Rajpur P.S. Case No.123/13.

VI. This Hon'ble Court may adjudicate and hold in presence of over whelming material/evidence against respondent 10-12 as also in view of arrest and recovery at the spot. There was no occasion for respondent no.8 to come to a different conclusion that too without any evidence.

VII. This Hon'ble Court may further adjudicate and hold that submission of final form in Rajpur P.S. Case No.8/13 and institution of Rajpur P.S. Case No.123/08 is an act of malafide and arbitrary exercise of authority by respondent no.8 which definitely is in order to help the accused persons of Rajpur P.S. Case No.8/13.

VIII. This Hon'ble Court may further adjudicate and hold that instituting a criminal case against the petitioner and the witnesses of

the Rajpur P.S. Case no.8/13 is completely illegal, malafide and without jurisdiction.

IX. To award cost of litigation and suitable compensation to the petitioner for the loss and damages caused to the petitioner and the witnesses of Rajpur P.S. case no. 8/13.

X. To award any other relief/s for which the petitioner is found entitled in the facts and circumstances of the case.”

Having heard learned counsel for the petitioner and perused the record, I find that the present writ petition is thoroughly misconceived. There is nothing on record on the basis of which this Court can come to a conclusion that the prosecution of the petitioner is bad in law. There is also nothing to suggest that the present case is of national or international ramifications.

The writ petition, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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