

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.772 of 2014

Arising Out of PS.Case No.-541 Year- 2012 Thana –K.Hat District- PURNEA

=====

1. Md. Islam Inqlabi S/o Late Suleman Hussain Resident of Mohalla Khazanchi Hatt, P.S. (K. Hatt) Sahayak, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police Bihar, Patna.
2. The Deputy Inspector General of Police, District Purnea.
3. The Superintendent of Police, District Purnea.
4. The Assistant Superintendent of Police, District Purnea.
5. The S.H.O., P.S. Sahayak Khazanchi Hatt, District Purnea.
6. The I.O., P.S. Sahayak Khazanchi Hatt, District Purnea.
7. Nanhe Khan @ Ali Imam Khan S/o Late Yaar Ali Khan
8. Dhrub Kumar S/o Shri Ambika Gouswami
9. Abhishek Kumar S/o Mahindra Prasad
10. Bhuvan @ Bhuvan Kumar Yadav S/o Sukhdeo Yadav All Resident of Mohalla Ram Bagh, P.S. Sadar, P.O. K. Hat, District Purnea.
11. Ashok Mishra S/o Kalanand Mishra Resident of Mohalla Sipahi Tola, P.O. AND P.S. K. Hat, District Purnea.
12. Lal Babu Sahni S/o Late Bindeshwar Sahni Resident of Bhatta Bazar, Zila School Road, Sahni Market, Purnea, District Purnea.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms Zakia Ozair, Adv.

Mr. Md. Naushad, Adv.

For the Respondent/s : Mr. Rajesh Ranjan, A.C. to GP-8

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-02-2015

The petitioner is informant of K. Hat (Sahayak) P.S.

Case No. 541 of 2012 dated 12th October, 2012 registered for the offence punishable under section 364 read with 34 of the Indian Penal Code.

From perusal of the first information report itself, it would appear that the son of the petitioner, namely, Md. Meraj Inqlabi went missing on 29th September, 2012. Initially, the petitioner made

efforts to locate his missing son but when he failed in his effort, he submitted a written report to the Officer-in-Charge of K. Hat Police Station, pursuant to which the F.I.R. was instituted on 12th October, 2012. In the F.I.R. five persons were named on suspicion of being involved in kidnapping of the son of the petitioner.

By filing this application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued upon the respondents to rescue his missing son from the illegal and wrongful confinement of the accused persons of the aforesaid police case. Prior to the present application the petitioner had filed Cr.W.J.C. No. 478 of 2014 before this Court for issuance of a writ in the nature of certiorari commanding the respondents to produce the son of the petitioner before the Court. However, the same was disposed of as withdrawn with liberty to the petitioner to approach this Court with appropriate application, in future, if so advised.

Learned counsel for the petitioner has submitted that the police are conniving with the accused persons and are taking no interest in the matter. She has further submitted that though the petitioner has submitted written representation to the Superintendent of Police, D.I.G. of Police and other senior officers of the Police Department, but they are taking no interest in the matter.

On the other hand, learned counsel for the State has

submitted that in course of investigation the police have apprehended one Dhruv Kumar Giri and produced him in court. He was also taken on police remand but despite extensive interrogation from him no clue of missing son of the petitioner could be found. So far as other accused persons are concerned, they have already been released on bail by the court and despite best effort made by the police, the son of the petitioner could not be located so far. He has further submitted that in course of investigation it has transpired that the son of the petitioner was a land broker and was often being seen at the place of the F.I.R. named accused Nanhe Khan, but there is no further lead in the matter.

Be that as it may, since the case is under investigation, it would not be proper for this Court to make any comment on the manner of investigation. It is not a case of illegal or wrongful confinement. The whereabouts of the son of the petitioner is not known. Under such circumstance, no order for his release from confinement can be made. It is expected that the police would investigate the case dispassionately from all possible angles and make endeavour to solve the mystery. I say no more.

With these observations, this application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--