

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30635 of 2014

Arising Out of P S. Case No. -87 Year- 2010 Thana -GORIAKOTHI District- SIWAN
=====

Yogendra Prasad Yadav
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh-Advocate
For the Opposite Party/s : Mr. Uma Shanker Prasad Singh- (A.P.P.)
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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

06 06-07-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

The Superintendent of Police, Siwan is physically
present along with show-cause as well as up-to-date case diary of
Goriakothi (G.B. Nagar) P. S. Case no.87 of 2010.

At the very outset, instant petition has become
infructuous on account of arrest of petitioner/ accused and is
accordingly, held so.

At an earlier occasion, while hearing learned counsel
for the petitioner, who stressed over Annexure-2 as well as
Annexure-8, it was directed to the Investigating Officer as a copy
of Annexure-8 had already been served upon the I.O. to
investigate in order to ascertain genuineness of assertion of
petitioner regarding Annexure-2 as well as Annexure-8 and



further, the Superintendent of Police, Siwan was directed to keep surveillance during course thereof. As the aforesaid order was not complied with and further, the case diary up-to-dated 22.01.2014, which was available before this Bench since before and was returned back, again burgeon with the same bang without having reference to Annexure-2 as well as Annexure-8 and that being so, the Superintendent of Police, Siwan was directed to be physically present along with up-to-date case diary, more particularly regarding his action in accordance with the order as referred above, during course of subsequent investigation as directed.

From Paragraph-3 of the show-cause, it is apparent that the Superintendent of Police, Siwan was already communicated with by the learned Chief Judicial Magistrate, Siwan vide Letter no.1349 on 29.05.2015. The case diary is silent till 15.06.2015, and then under Paragraph-94 the I.O. incorporated that he received Memo no.1055/ 12.06.2015 from the Superintendent of Police, Siwan. However, Annexure-A/1 is of dated 01.06.2015 and so, the intervening period clearly suggest something otherwise than whatever been pleaded and further, also speaks with regard to conduct of the Superintendent of Police, who inspite of having acknowledging the order on 29.05.2015 itself, sat over the same defying the order of the Court acting in

careless manner. This happens to be the conduct of a responsible officer in whose hand, the law and order of a District is entrusted with.

Though, on account of arrest of petitioner, instant petition has become infructuous and on account thereof, it looks futile to proceed with the matter furthermore, but the things remained that after all, the Superintendent of Police of a District should be sincere and sensitize not only towards his duty. After all, they are identified as public servant and are accountable for the same. As such, it is expected that henceforth, the Superintendent of Police should be attentive otherwise the Court will have no other option than to recommend for his removal.

In the aforesaid background, show-cause is accepted.

(Aditya Kumar Trivedi, J)

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