

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.682 of 2014

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1. Bechan Ojha Son of Late Devi Ojha Resident of Village- Sangi, P.S. Phulparas, District- Madhubani, presently residing at Housing Colony L-144, H/O Umesh Chandra Chaudhary, P.S.- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Darbhanga.
3. The Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Officer-in-Charge, Bahadurpur Police Station, Darbhanga.
6. Sri Phool Babu Singh @ Chintu Singh Son of Bashisth Singh Resident of Village- Madhukaul, P.S. Belsand, District- Sitamarhi.
7. Sri Rajnath Singh Son of Ram Kishore Singh Resident of Village- Andama, P.S. Bahadurpur (Fekla O.P.), District- Darbhanga.
8. Sri Brajesh Rai @ Pradesi Son of Hariballabh Rai Resident of Village- Pataur, P.S.- Ashok Paper Mill, District- Darbhanga.
9. Sri Rajesh Mishra Son of Ram Chandra Mishra Resident of Village- Pataur, P.S.- Ashok Paper Mill, District- Darbhanga.
10. Sri Guddu Mishra Son of Umashankar Mishra Resident of Village- Pataur, P.S.- Ashok Paper Mill, District- Darbhanga.
11. Sri Sanjay Singh @ Batahu Son of Ramchandra Singh Resident of Village- Andama, P.S. Bahadurpur, Felka O.P., District- Darbhanga.
12. Sri Sanjay Singh Son of Ramsewak Singh Village- Andama, P.S. Bahadurpur, (Felka O.P.), District- Darbhanga.
13. Constable 818 Niraj Kumar Son of Ramesh Sharma Resident of Village- Ginji, P.S.- Ghoshi, District- Jehanabad.
14. Sri Deepak Kumar Mishra Son of Raghvendra Prasad Resident of Village- Pataur, P.S.- Ashok Paper Mill, District- Darbhanga.
15. Sri Shashi Kumar @ Shashi Singh Son of Rajo Prasad Resident of Village- Parbanda, P.S. Birpur, District- Begusarai, at present Housing Board Colony, P.S. Bahadurpur, District- Darbhanga.
16. Sri Himeshwar Kumar Mishra @ Himesh Son of Dayashankar Mishra Resident of Village- Karmawa, P.S.- Dhaka, District- Motihari, At present Balbhadrapur, P.S. L. Sarai, District- Darbhanga.
17. Sri Santosh Kumar Chaudhary Son of Raj Kumar Chaudhary Resident of Village- Darhar, P.S. Bahadurpur, District- Darbhanga.

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

learned counsel for the State.

The writ application has been filed for directing the respondents to produce the son of the petitioner, namely, Shailendra Kumar Ojha, who is alleged to have been kidnapped by the respondents, although it appears that the allegation was made only against the private respondents.

A counter affidavit has been filed on behalf of the State-respondents in which it is stated that an F.I.R. was lodged by the petitioner and another F.I.R. was also lodged by one Sudha Devi with regard to the kidnapping of her husband Pashupati Kunwar during the same transaction, where he had also gone missing. The same was investigated by the police and one of the named accused in the first information report was arrested and he has given a confessional statement that the dead bodies of the son of the petitioner and the other victim, Pashupati Kunwar, were thrown into the river.

It is further stated in the counter affidavit that despite hectic search by a Police Team constituted specially for that purpose, the dead bodies could not be recovered. A reference has also been made to Cr.W.J.C. No.322 of 2014 filed by the said Sudha Devi in which a learned single Judge of this Court, after taking into account all aspects of the matter, came to the

conclusion that there was no reason to doubt the bona fide of the investigating agency in the matter and the writ petition was, accordingly, disposed of.

In view of the state of evidence, as of today, it is clear that no direction can be issued for the production of the son of the petitioner who, as per the confessional statement of one of the accused persons, has already been killed and his dead body was thrown into the river and therefore, the dead body of the son of the petitioner could not be recovered despite efforts being made by the police.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Anjana Mishra, J)

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