

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.522 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

Ram Naresh Yadav, Son of Late Bram Deo Yadav, Resident of Village - Nirakhpur (Baheri) P.O. - Sidhipur, P.S. - Paliganj, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Govt. of Bihar, Patna.

2. The Senior Superintendent of Police, Patna.

3. The Superintendent of Police (Rural), Patna.

4. The Sub divisional Police Officer Paliganj, Patna.

5. The Sub Inspector of Police, Paliganj.

6. Ram Pravesh Yadav alias Mithu Yadav alias Mithilesh Yadav alias Ram Prasad Yadav, son of Alakhdeo Yadav.

7. Meera Kumari, daughter of Ram Pravesh Yadav alias Mithu Yadav alias Mithilesh Yadav alias Ram Prasad Yadav.

Both are resident of Village - Kashopur, P.S.- Paliganj, District - Patna at present Village + P.S. - Arwal, Dist - Arwal.

8. Babloo Kumar, son of Sri Krishna Yadav.

9. Laxmi Prasad, son of Mahendra Prasad.

Both are resident of village -Mokarja, 9 number Cannalpur, Arwal, P.S. Arwal, Dist - Arwal.

10. Shilpi Kumari D/o Kanik Yadav.

11. Rameshwar Yadav alias Bhojpuri, son of Jaganath Yadav.

12. Om Narayan Yadav, son of Rameshwar Yadav alias Bhojpuri.

All resident of Lakhapur, P.S.- Paliganj, Dist - Patna.

13. Jitendra Yadav, son in law of Mithu Yadav, resident of village- Khairbigha, P.S.-Arwal, Dist - Arwal.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

Mr. Rudra Deo, Advocate

For the Respondent/s : Mr. Rajiv Ranjan Kumar Pandey, SC-29

Mr. Kritya Nand Jha, AC to SC-29

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-03-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is informant of Paliganj P.S. Case No. 253 of 2013 registered for the offences punishable under Sections 363 and 365 read with 34 of the Indian Penal Code.

In this application filed under Articles 226 and 227 of the Constitution of India, a prayer has been made to issue mandamus to the respondents to recover the grandson of the petitioner namely, Rohit Kumar who has allegedly been kidnapped by the private respondents. The further prayer of the petitioner is to direct official respondents to submit charge sheet against the accused persons named in the aforesaid police case.

Learned counsel for the petitioner has submitted that the investigation of the case is tainted. The grandson of the petitioner is still missing and it is duty of the police to recover the missing boy.

On the other hand, learned counsel for the State has submitted that the investigation of the case was conducted in a fair and impartial manner. In course of investigation, it transpired that a false prosecution had been launched by the petitioner. Accordingly,

the police submitted a final report under Section 173 of the Code of Criminal Procedure and a recommendation was made to prosecute the petitioner under Section 182 and 211 of the Indian Penal Code.

Regard being had to the facts and circumstances of the case, I am of the opinion that once the investigation of the case is over and the police have submitted their report under Section 173 of the Code of Criminal Procedure, it is for the Magistrate concerned to pass an appropriate order in accordance with law.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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