

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.648 of 2014

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Sanjay Kumar Sinha son of Late (Dr.)Tulsi Sinha, resident of Jagriti Nagar,
Magistrate Colony Road, P.S.- Rajeev Nagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Patna Range
4. The Senior Superintendent of Police, Patna
5. The Deputy Superintendent of Police, Sachivalaya, Patna
6. The S.H.O., Rajeev Nagar, P.S.- Patna
7. The Investigation Office/S.I. Rajeev Nagar Police Station in Rajiv Nagar, P.S. Case No. 67, 68 and 84 of 2013, Patna
8. Sri Dharendra Pandey son of not none the then S.H.O., Rajiv Nagar Police Station and informant in Rajeev Nagar P.S. Case No. 84/2013 at present posted in the district of Bhojpur
9. Dr.Sarita Sinha wife of Sanjay Kumar Sinha, resident of Jagriti Nagar, Magistrate Colony Road, P.S.- Rajeev Nagar, Patna-14

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

: Mr. Sangeet Deokuliar, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshari, A.A.G.-XI

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 26-03-2015 In this application under Articles 226 and 227 of the

Constitution of India, prayer of the petitioner in paragraph 1 is as

under:

*“1. That the present Criminal Writ Petition is
being filed for issuance of appropriate Writ,
Order/s, Direction/s for the following relief:*

*A. For a direction to the respondents to
provide protection to the petitioner so that he
may live and practice/profess from his own*

ancestral house/Advocate Chamber located at mohalla-Jagriti Nagar, Magistrate Colony Road, P.S.-Rajiv Nagar, Patna without fear to his life and property.

B. For a direction to the respondents to institute a case against private respondent Dr. Sarita Sinha for filing cases/complaints such as, the filing of complaint dated 28.05.2013 alleging offences of heinous nature that the petitioner had killed his own and only one Bhavesh.

C. For issuance of an appropriate Writ, Order/s, Direction/s commanding the respondents for transfer of investigation in connection with Rajeev Nagar P.S. Case No. 84 of 2013 dt. 07.06.2013 (State Vs. Pankaj Kumar Singh & Ors.) to another agency; for initiation of appropriate action/actions against the erring police officials; and award of suitable compensation for the ongoing harassment, mental agony and threat of further implication of the petitioner by the local police.”

Learned counsel for the petitioner has contended that the informant of the case is in collusion with the estranged wife of the petitioner and, as such, the investigation of the case is not being carried in a proper and fair manner.

On the other hand, learned counsel for the State has submitted that the police have already concluded the investigation and submitted charge-sheet in the case and now the matter is pending before the Magistrate concerned. He has submitted that there is no truth behind the allegations made by the petitioner that the investigation of the case is biased and tainted.

Learned senior counsel for the petitioner seeks leave to withdraw the application in order to file a petition before the Magistrate under section 173(8) of the Code of Criminal Procedure seeking a direction for further investigation into the matter.

Having regard to the facts and circumstances of the case, leave is granted.

The application is disposed of as withdrawn.

The petitioner would be at liberty to raise all the points available to him before the Magistrate concerned and in case such a petition is filed, the Magistrate concerned would be obliged to pass a reasoned order.

(Ashwani Kumar Singh, J)

Md.S./-

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