

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.273 of 2015

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Anurodh Kumar, S/o Sri Mahendra Singh, Resident of Saudagar Kothi,
Police Station - Fatuha, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home (Police) Department, Government of Bihar, Patna
2. Director General of Police, Head Quarter, Old Secretariat, Patna
3. Senior Superintendent of Police, North Gandhi Maidan, Patna
4. Superintendent of Police (Rural) Patna, North Gandhi Maidan, Patna
5. S.H.O. of Fatuha Police Station
6. Smt. Shashilata Devi W/o Sri Shashi Bhushan Singh
7. Kumar Rakesh
8. Prakash Ranjan Both sons of Sri Shashi Bhushan Singh All of three R/o Mirjapur Nohta, Saudagar Kothi, P.S. + P.O. Fatuha, District - Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kartik Kumar Sinha, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-6

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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)

5 07-05-2015 Heard learned counsels for the petitioner and the private respondents and learned Additional Advocate General No.6 for the State.

The writ petition praying for a writ in the nature of habeas corpus has been filed by the petitioner seeking production of Sri Shashi Bhushan Singh who is stated to have been kidnapped from his residence which is of the rented house by respondent Nos. 6 to 8, who are his own wife and sons.



On our direction the respondent Police Officer produced the said Sri Shashi Bhushan Singh for which his two sons, respondent Nos. 7 and 8 have also co-operated in the production of their father. The two sons as also the wife of Sri Shashi Bhushan Singh are also present before us in Chambers.

We have talked with Sri Shashi Bhushan Singh in our Chambers alone. He has stated that he is 72 years old and admitted the fact that on account of certain differences with his family members he was staying in a rented house for about eight years but after he became seriously ill, he on his own has gone to his sons so that they may take care of him and since then he is living mostly with the elder son and also with the younger son from time to time and they take care of him, specially the elder son. He also expressed his wish that he wants to continue to live with his family members as he has become old and he cannot trust any outsider.

On specific query by this Court he submitted that the petitioner was his neighbour at Fatuha and he was known to him but subsequently the petitioner wanted him to sell of his house and property to the petitioner.

He, however, admitted that on account of certain differences with his younger son he had filed an informatory

petition in the City Civil Court but now he does not have any grievance against his family members.

On our direction, learned Additional Advocate General No.6 has produced before us a letter from the Police Inspector-cum-SHO, Fatuha, Patna stating that the petitioner Anurodh Kumar @ Anirudh Kumar is an accused in Gandhi Maidan Patna P.S.Case No. 1 of 2009 dated 1.1.2009 under Sections 147, 323, 353 and 379 of the Indian Penal Code and after investigation charge-sheet No. 25 of 2009 dated 31.1.2009 has been submitted in the said case under Sections 341, 323, 353, 379 and 411/34 of the Indian Penal Code against the petitioner Anurodh Kumar.

On a consideration of the entire facts and circumstances, including our conversation with Sri Shashi Bhushan Singh, we are of the view that the present writ petition has not been filed bona fide for the purpose of any welfare or benefit of the said Shashi Bhushan Singh rather with a wrong motive by the petitioner who appears to be more interested in the property of Sri Shashi Bhusnan Singh than anything else. Such intermeddling is not appreciated by this Court and the petitioner is warned not to repeat such action in future.

We do not find any merit in the writ petition. It is, accordingly, dismissed but with a cost of Rs.5,000/- to be paid by

the petitioner within a period of four weeks from today.

It is made clear that Sri Shashi Bhushan Singh and his family members shall be free to access their property at Fatuha without any let and hindrance by the petitioner or his men. For this purpose they may take assistance from the Fatuha Police Station which shall assist them, if so required, and in case they further complain against the petitioner or his men, appropriate action shall be taken against them.

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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