

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.842 of 2014

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Ratnesh Kumar Jha @ Laddu Jha @ Ratnesh Jha son of Kalika Nandan Jha,
resident of village- Sugiya Katasari, P.S.- Sheohar, District- Sheohar

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Home Affairs, State of Bihar
2. The Director General of Police, State of Bihar, Patna.
3. The Superintendent of Police, Sheohar
4. The Officer in charge of Sheohar, Police Station Sheohar
5. The Jail Superintendent, Sheohar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.

For the Respondent/s : M/s. Sanghamitra Ghosh, AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 20-04-2015 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner has preferred this writ petition for

the following reliefs :

“I. For directing the respondents to register

F.I.R./ on the basis of complaint case No. 102/2014 which was

sent by the learned C.J.M. Sheohar under Sections 156(3) Cr.

P.C. on 28.03.2014 and further to complete the investigation

within a reasonable time after institution of the said F.I.R.

II. Also for direction to the jail

administration for proper medical treatment of the petitioner

and to take notice of the complaint to which petitioner has

made in later part of complaint case no. 102 of 2014.

III. For direction an enquiry to be held to

find out the erring officer for whose fault the order dated

28.03.2014 of the learned C.J.M. Sheohar could not be complied and the F.I.R. could not be lodged on the basis of complaint case no. 102 of 2014.

IV. Also for any other relief for which the petitioner appears to be entitle in the eye of law.”

3. It is submitted on behalf of the petitioner that while an F.I.R. was instituted in Sheohar P.S. Case No. 282 of 2013 in which the petitioner was made accused relating to an occurrence in which both sides had received injuries, the police was not registering the F.I.R. pursuant to the petitioner's complaint case no. 102 of 2014 even after being sent under Sections 156(3) Cr. P.C. by the learned C.J.M. Sheohar. An inquiry was thus also required to be held to fix responsibility on the erring officer for whose fault the F.I.R. was not being registered. It has also not been explained why, if upon subsequent institution of F.I.R. and investigation, the final report was prepared on 30.11.2014 as claimed, the same has been forwarded after considerable delay on 04.02.2015. Such final report appears doubtful as it contains several overwritings. It is further submitted that as regards being given proper treatment by the Jail Authorities, there has been delay and negligence by them and the petitioner continues to be in need of further treatment.

4. A counter affidavit has been filed on behalf of respondent no. 3 which discloses that in fact Sheohar P.S. Case

No. 176 of 2014 had been registered on 31.08.2014 as required under Section 156(3) Cr. P.C. in relation to the petitioner's complaint case no. 102 of 2014. It is further stated that after due investigation the final report has since been filed, finding the case false against the accused persons in connection with Sheohar P.S. Case No. 176 of 2014.

5. A counter affidavit has also been filed on behalf of respondent no. 5 to show that medication was provided to the petitioner at proper time as evident from the treatment register, a copy of the extract whereof has been enclosed.

6. Considering that the grievances of the petitioner have been substantially redressed, the present writ petition stands disposed. Petitioner shall be at liberty to raise his grievance with respect to the quality of investigation in connection with Sheohar P.S. Case No. 282 of 2013 before the Magistrate concerned before whom the police has submitted the final report.

(Vikash Jain, J)

Md. Ibrarul/-

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