

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.779 of 2015

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

Surendr Bhagat @ Surendra, Son of Ramdeo Bhagat, Resident of village- Banauli,
P.S.- Simri, District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Darbhanga
4. The Superintendent of Police, Darbhanga
5. The Senior Superintendent of Police, Darbhanga
6. The Assistant Superintendent of Police, Darbhanga
7. The Civil Surgeon, Darbhanga
8. The Drugs Superintendent, Darbhanga
9. The Officer-in-Charge of Simri Police Station, Darbhanga

.... Respondents

Appearance :

For the Petitioner/s : Mr. Jaya Prakash Singh, Advocate

For the Respondent/s : Mr. Harish Kumar, GP-32

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-02-2016

The prayers made by the petitioner in Para-1 of the present application preferred under Articles 226 and 227 of the Constitution are as under:-

“1. The present Criminal writ application is being filed with a prayer for issuance of appropriate

writ/writs, order/orders, direction/directions for following reliefs:-

(i) for issuance of writ in the nature of mandamus commanding and directing to respondents authorities to not torture mentally and physically to the petitioner in pursuance of demanding information by petitioner under, Right to informant Act (hereinafter referred to 'R.T.I.' Act) and also provide safety and protection to the petitioner as RTI Activist.

(ii) for issuance of appropriate writ or order for ensure compensation in lieu of infringement of his fundamental rights under Article 21 of the Constitution of India.

(iii) for any other relief/reliefs for which the petitioner may be found legally entitled to in the facts and circumstances of the matter as stated hereinafter.”

2. It has been contended by the learned counsel for the petitioner that since the petitioner is seeking information under the Right to Information Act against some influential officials, he is being humiliated and harassed by the police. It has been further contended that whenever the petitioner raises his grievance before the police, they do not take any action and due to non-cooperative attitude of the respondent authorities, he is facing threat to his life.

3. *Per contra*, Mr. Harish Kumar, learned counsel for



the State, referring to the contentions made in paragraph 8 of the counter affidavit, has submitted that the petitioner has been charge-sheeted under Section 384 and 386 of the Indian Penal Code in Simri P.S. Case No. 130 of 2014 dated 28.09.2014 and under Sections 341, 323, 342, 279, 504 and 506 read with 34 of the Indian Penal Code in Simri P.S. Case No. 182 of 2013. He has also been charge-sheeted in Simri P.S. Case No. 54 of 2014 dated 20.04.2014 registered under Sections 406, 420, 467 & 468 of the Indian Penal Code. Learned counsel for the State has further contended that on 19.03.2014, the petitioner had threatened a police officer of Simri Police Station on his government mobile as a result of which, an entry was made in the diary, vide Station Diary Entry No. 369 of 2014 dated 19.03.2014 against him. He has further contended that the petitioner, who claims himself to be an activist, has become a terror in the locality.

4. It is relevant to note here that no reply has been filed by the petitioner to the statements made in the counter affidavit filed on behalf of the State.

5. In view of the fact that the petitioner has been made accused in several case and the allegations made against him have been found true during investigation and such facts were not disclosed in the writ petition nor the contentions raised in the

counter affidavit have denied by the petitioner by filing any rejoinder, I am not inclined to entertain this application.

6. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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