

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.894 of 2015

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

Sanker Sahni son of Rambilas Sahni, resident of village - Bedaulic, P.S.-Mushhari,
District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Director General of Police, Bihar, Patna
 3. The Superintendent of Police, Muzaffarpur
 4. The Dy. S.P. East, Muzaffarpur
 5. The Officer-in-charge Mushari Police Station, District- Muzaffarpur
 6. The Investigating Officer of Mushari Police Station, District - Muzaffarpur
 7. Kailash Sahni son of Late Jhunna Sahni
 8. Mukesh Sahni son of Butan Sahni
 9. Bhola Sahni son of Late Saryug Sahni
 10. Madan Sahni son of Late Swarup Sahni
 11. Rajesh Sahni son of Late Jagdev Sahni
 12. Raj Kumar Sahni son of Late Jagdev Sahni
 13. Parwati Devi wife of Late Jagdev Sahni
 14. Jadu Sahni son of Lal Bihari Sahni
 15. Sanjay Sahni son of Late Jadu Sahni
- All resident of village - Bedauba, P.S.- Mushhari, District - Muzaffarpur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate
For the Respondent/s : Mr. A.P.Singh, .C.-15

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-07-2016

In the present writ petition, the petitioner has sought for a direction to be issued to the respondents to immediately arrest the absconding accused persons in connection with Mushhari P.S. Case No.112 of 2015 dated 9.7.2015 registered under Section 302/34 of the Indian Penal Code.

2. A counter affidavit has been filed on behalf of the State

in which it is stated that on completion of investigation the police have submitted report under Section 173(2) of the Code of Criminal Procedure in the court of jurisdictional Magistrate holding the prosecution case to be a mistake of fact.

3. In view of the submission of the police report in the court of jurisdictional Magistrate, it would not be proper for this Court to pass any order directing arrest of the accused persons, who have not been sent up for trial.

4. Accordingly, the application is disposed of with liberty to the petitioner to agitate all the points available to him before the Magistrate concerned at appropriate stage.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	23.7.2016
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