

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9453 of 2014

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Janardan Singh S/o Late Ram Singh, R/o village - Makardahi, P.S. Barouni
(Refinery), District – Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The D.I.G., Patna, Range.
4. The S.S.P. Patna.
5. The Officer-in-Charge Barouni (Refinery), Begusarai.
6. The Officer-in-Charge Singaruli, Police Station – Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1, Advocate

For the Respondent/s : Mr. Ajay Kumar Rastogi, A.A.G. 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-12-2016

Heard learned counsel for the petitioner and Mr. Ajay
Kumar Rastogi, learned AAG-10 for the State.

Pursuant to order dated 07.12.2016, an affidavit has
been filed on behalf of the Director General of Police, Bihar, Patna
(respondent no. 2) personally affirmed by him. The relevant portion of
the affidavit is reproduced hereinbelow:

*“4. That the answering respondent has issued
directions to all police authorities, Senior
Superintendent of Police and Superintendent of
Police of Bihar Vide Memo No.- 3575/XC dated
15-09-14 and Memo No.- 5520/XC dated 26-12-
2014 to strictly follow the provision under the
guidelines issued by Hon’ble Supreme Court in
case of DK Basu V/S The State of West Bengal
& Ors.*

Photocopies of Memo No. 3575/XC



dated 15-09-14 and Memo No. 5520/XC dated 26-12-2014 is annexed herewith and marked as Annexure-R2-A & R2-B respectively to this counter affidavit.

5. *That the answering respondent has also issued directions to all police authorities/SSP(S) and SP(S) of the Bihar vide Memo No. -51 dated 11-01-2016 to strictly follow the provision of section 41-B Cr. P.C. while making arrest of any accused person.*

Photocopy of Memo No. 51 dated 11-01-2016 is annexed herewith and marked as Annexure-R2-C to this counter affidavit.

6. *That the answering respondent has again issued the follow-up instruction contained in letter no. 1022 dated 30-11-2016 to all the SSP (S) and SP(S) in Bihar to ensure compliance of section 41-B and 41-C of the Cr. P.C. and the guidelines issued by the Hon'ble Supreme Court in case of DK Basu V/S The State of West Bengal & Ors.*

Photocopy of letter no. 1022 dated 30-11-2016 is annexed herewith and marked as Annexure-R2-D to this counter affidavit.

7. *That the answering respondent respectfully submits that as and when any complaint is received in his office complaining for infraction of section 41-B of Cr. P.C. and the guidelines of Hon'ble Supreme Court in DK Basu case, appropriate enquiry shall be conducted in the complaint and if the complaint is enquired to be correct, then suitable action will be taken against such erring Police officials."*

The petitioner has moved the Court for a direction to the authorities to follow the provision of Section 41(B) of the Code of



Criminal Procedure, 1973 and also the direction issued by the Hon’ble Supreme Court in the case of **Dilip K. Basu v. State of W. B.** reported as **1997(2) PLJR 116 (S.C.)**, as also to provide him with all the information under the Right to Information Act with regard to such compliance.

In view of what has been categorically stated on affidavit, personally affirmed by the Director General of Police, Bihar, Patna, the Court finds that the concerned authorities are sensitive to the issues, both of the mandate of the statute as well as that of the Hon’ble Supreme Court.

Accordingly, the writ petition stands disposed off.

The Court hopes and trusts that the stand of the State as reflected in the affidavit shall also be given effect to in reality on the ground. It goes without saying that any departure from the above stated position, whenever brought either to the notice of the authorities or to the Court, will be appropriately and strictly dealt with in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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