

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.867 of 2015

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

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Ramji Singh son of Deputy Singh, resident of village- Hemantpur, P.S.- Arrah
Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Bhojpur.
2. The Collector, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. Dhananjay Singh son of Ravinath Singh
5. Chhote Singh son of Ravinath Singh
6. Manish Singh son of Chedi Singh

Respondents no. 4 to 6 are resident of village- Hemantpur, P.S.- Arrah
Muffasil, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Prem Sheela Pandey, Advocate
For the Respondent/s : Mr. Kumar Priyadarsan, SC-23

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 27-07-2016

By way of the present writ petition, the petitioner seeks a
direction to be issued to the respondents to take legal steps against the
absconding accused in connection with Arrah Mufassil P.S. Case
No.56 of 2003 registered under Sections 341, 323, 302, 307 and 326
read with 34 of the Indian Penal Code.

2. The petitioner is the informant of the aforesaid police
case. It has been submitted by the learned counsel for the petitioner
that the respondents no. 4 to 6, who are named in the FIR, are still
absconding. The investigating agency is taking no steps to apprehend

them and, hence, the matter is pending in the court below.

3. Referring to the averments made in the counter affidavit filed on behalf of the State, it has been submitted by the learned counsel for the State that after investigation of Arrah Mufassil P.S. Case No.56 of 2003, the investigating officer of the case has submitted charge-sheet, vide Charge-sheet No.133 of 2003 dated 12.7.2003, against five accused persons, namely, Siyaram Singh, Ravinath Singh, Lalsaheb Singh, Ramashankar Singh @ Chhedi Singh and Shatrughan Singh and investigation as against respondents no.4 to 6 was kept open. Subsequently, the police submitted another report under Section 173(2) of the Code of Criminal Procedure, vide Final Form No.30 of 2005 dated 31.3.2005, stating therein that there is complete lack of evidence, as against respondents no.4 to 6. Both the police reports have been brought on record and have been marked as annexures-‘A’ and ‘B’ respectively to the counter affidavit filed on behalf of the State.

4. When confronted with the stand of the State, learned counsel for the petitioner has submitted that for want of proper instruction wrong averments were made in the writ petition. She has submitted that in view of the facts which have been brought on record on behalf of the State, the application may be permitted to be withdrawn.

5. The request made by the learned counsel for the petitioner is refused for the simple reason that the persons who have not been even sent up for trial and against whom the court has not even taken cognizance of the offences, a prayer has been made by the petitioner to direct the respondents to arrest them as they are absconding.

6. The application is dismissed.

7. However, before parting with the order, I must record that there has been willful suppression of facts by the petitioner. False statements have been made on oath with a view to mislead the court and obtain favourable order. The conduct of the petitioner is reprehensible. He is warned to be cautious in future.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.7.2016
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