

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.108 of 2016

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Naresh Kumar Yadav @ Naro Yadav son of Late Lalo Yadav, Resident of
At & P.S.- Rajgir, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Patna Range, Patna
4. The Deputy Inspector General of Police, Patna Division, Patna
5. The Superintendent of Police, Nalanda
6. The Dy. Superintendent of Police, Rajgir, District- Nalanda
7. The Officer-in-Charge, P.S.- Rajgir, District- Nalanda

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Hansraj, Advocate
For the Respondents:		Mr. Nasim Yahya, GP-13 Mr. Uday Shankar, A.C. to G.P.-13
For the Informant :		Mr. Sunil Kumar Singh, Advocate Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL ORDER

4 29-02-2016

With the help of this writ application, made under Article 226 of the Constitution of India, the petitioner, who is an accused in Rajgir P.S. Case No.139 of 2015, registered under Sections 147/148/149/302 of the Indian Penal Code and Section 27 of the Arms Act, 1959, has sought for issuance of appropriate writ directing the respondents to properly investigate Rajgir P.S. Case No.139 of 2015.

Heard Mr. Ajay Kumar Thakur, learned Counsel, appearing for the petitioner, and Mr. Nasim Yahya, learned Government Pleader No.13, appearing for the respondents. Also

heard Mr. Sunil Kumar Singh, learned Counsel, appearing for the informant.

It is the submission of the petitioner that on the alleged date and time of the occurrence, the petitioner was lying admitted, for treatment, in Government Hospital, Varanasi, and it is, therefore, necessary that the police should verify the mobile location of the witnesses including the accused and, further, that there was provision of C.C.T.V. camera in *Rajgir Malmas Mela*, where the occurrence had taken place, and it would, therefore, be necessary that the C.C.T.V. footage may also be examined and analysed.

It has been submitted, on behalf of the respondents, resisting the petitioner's pleas, that though the petitioner claims that he stood admitted for treatment at Government Hospital, Varanasi, on the date and time of the occurrence, the police has carried out investigation on this aspect of the case, but have not found, that any treatment was given to the writ petitioner, namely, Naresh Kumar Yadav @ Naro Yadav, as claimed by him. It is also the contention of the respondents that the call records of the mobile have also been verified and, so far as the footage of the C.C.T.V., installed at *Malmas Mela*, are concerned, the same have been sent to Forensic Sciences

Laboratory, Kolkata, for analysis.

In view of the above, this Court does not find that petitioner has been able to make out any case calling for issuance of any writ and/or any order and/or any direction in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The proceedings of this writ petition is, therefore, closed with the liberty to the petitioner to take recourse to law, in future, if situation, so warrants.

With the observations and directions aforementioned, this writ application stands disposed of.

(I.A. Ansari, ACJ)

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