

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51309 of 2015

Arising Out of PS.Case No. -80 Year- 2014 Thana -NAWADA MUFFASIL District- NAWADA

Reyaz Khan @ Raju, Son of Late Khalil Khan, Vill.- Kena, P.S.-Muffasil, District-Nawada
..... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna
2. Director General of Police, Bihar, Patna
3. Inspector General of Police, Patna Division, Patna
4. Dy. Inspector General of Police, Magadh Division, Gaya
5. Superintendent of Police, Nawada
6. Sub-Divisional Police Officer, Nawada Sadar
7. Police Inspector-cum- Officer Incharge, Muffasil Police Station, Nawada
8. Mundrika Singh, Sub Inspector of Police, Muffasil Police Station, Nawada
9. Imran Khan @ Ajad Khan, Son of Asraf Ali, Village-Kena, P.S.-Muffasil, District-Nawada
..... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-05-2016

By way of the present application preferred under Sections 482 and 483 of the Code of Criminal Procedure, the petitioner has sought for quashing of the order dated 07.08.2015 passed by learned Chief Judicial Magistrate, Nawada in Muffasil P.S. Case No. 80 of 2014 registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

The petitioner was arrested by the Police in connection with the aforesaid case, was remanded to judicial custody in exercise of power under Section 147 of the Code of Criminal Procedure.

It has been contended by the learned counsel for the petitioner that the implication of the petitioner in the alleged case, was false and prior to the institution of the case, the petitioner had already

instituted a case against the members of the prosecution party. He has submitted that in view of the settled principle of law, the Magistrate remanding the accused to judicial custody in connection with a criminal case, ought to have verified the allegation and got himself satisfied with the culpability of the offence before remanding the accused.

In my view, the application is misconceived. The petitioner has not only been made an accused in a case *inter alia* registered under Section 307 of the Indian Penal Code, it would be evident that prior to his arrest, warrant of arrest and proclamation order under Section 482 had already been issued. The petitioner was arrested by the Police. He was produced before the Court within twenty four hours and the Magistrate after having made an enquiry regarding any complaint against the Police from the petitioner and after being satisfied with the culpability of the petitioner against whom a warrant of arrest had already been issued at the request of the Police, has remanded the petitioner to judicial custody.

No illegality can be found in the order. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

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