

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.745 of 2016

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1. Binod Bhagat son of Late Ram Prasann Bhagat, resident of Mohalla- Mangal Bazar, Shyama Talkies Road, Jalebi Wali Gali, P.S Katihar (Town), District- Katihar Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Darbhanga.
3. The Deputy Inspector General Of Police, Purnea.
4. The Superintendent of Police, Katihar.
5. The Deputy Superintendent of Police, Katihar.
6. S.H.O. Katihar (Town) Police Station, Katihar.
7. The Investigating Officer (Kishore Kumar) Sub Inspector of Police P.S Katihar, (Town) District- Katihar.
8. Biplab Deep @ Totan son of Mantu Lal Das, resident of Baniya Tola, near Radha Krishna Mandir, P.S. Katihar (Town), District- Katihar.
9. Ratan Paswan son of Kanhaiya Paswan, resident of Mohalla- Driver Tola, Ward No. 16, P.S. Katihar (town), District- Katihar.
10. Ritesh Ranjan son of Raj Kishore Bhagat, resident of Colony no. 2, P.S. Katihar (Town), District- Katihar.
11. Manoj Kumar son of not known to the petitioner at present posted as Constable in Katihar (Town) Police Station, Katihar.
12. Devashish Mitra son of not known to the petitioner at present at present posted as Constable in Katihar (Town) Police Station, Katihar
..... Respondents

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Adv.
For the Respondents : Mr. Parth Sarthi, GA IV

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 09-08-2017

Heard the parties.

The petitioner is informant or Katihar (Town) P.S. Case No. 425 of 2016, instituted on 01.07.2016 under Sections 384 and 388/34 of the Indian Penal Code.

The accused persons are police personnel. Allegation is that they came to the house of the petitioner. They were carrying a bag containing liquor. They informed the petitioner that the bag was recovered from near the house of the petitioner and very serious offence is there, therefore, they demanded money for hushing-up the matter. The petitioner managed money from different sources and provided the same to the police, thereafter, lodged the case.

Main grievance of the petitioner is for necessary



direction for proper investigation of the aforesaid case.

In reply to the aforesaid in the counter affidavit, the respondents have stated that charge sheet has already been submitted in this case showing one of the Constables as absconder. Some of the accused were already allowed anticipatory bail by different Courts.

Second, prayer is for arrest of both the Constables, who had tortured and demanded ransom from the petitioner.

Since, arrest of the accused is within the arena of police and not within the arena of the writ Court vide judgment of the Apex Court reported in the case of **M.C. Abraham & Anr. Vrs. State of Maharashtra & Ors.**, [(2003) 2 SCC, 649], this Court can not direct for arrest of the accused. Though the factual position is that some of the accused were allowed anticipatory bail and some have been shown absconder in the case.

Third, prayer is for direction to the respondents to hand over the house to the petitioner and to protect the life and property of the petitioner.

The respondents are ready to protect the life of the petitioner and his property, according to law.

Hence, the respondent, Superintendent of Police, Katihar, and the Station House Officer, Katihar Town Police Station, Katihar are directed to take proper steps for protection of live and property of the petitioner.

With the aforesaid observations, this writ application stands **disposed off**.

(Birendra Kumar, J)

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