

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 226 of 2016

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Shankar Prasad Yadav Son of Late Dhaneshwar Prasad Yadav, Resident of Village
& P.O. Mangobandar, P.S. - Khaira, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Development Commissioner-cum-Chairman State Level Enquiry Committee, Bihar, Patna.
5. The Collector-cum-District Magistrate-cum-District Programme Co-ordinator, Jamui, District Jamui.
6. The Additional Collector, Jamui District Jamui.
7. The Senior Deputy Collector, Jamui, District Jamui.
8. The Deputy Development Commissioner, Jamui, District Jamui.
9. The Sub Divisional Officer, Jamui, District Jamui.
10. The Panchayat Rojgar Sevak, Gram Panchayat Raj, Mangobandar, P.S. Khaira, Distirct- Jamui.
11. The Mukhiya, Gram Panchayat Raj Mangobandar, P.S. Khaira, District Jamui.
12. The Superintendent of Police, Jamui, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Prakash & Mr. Nagendra Sharma, Advocates
For the Respondent/s	:	Mrs. Archana Minakshee, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 30-01-2017

Heard learned counsel for the parties.

Pursuant to order dated 19.01.2017, the District
Magistrate as well as the Superintendent of Police, Jamui are present.
They have also filed show cause. From the same it transpires that a
fresh F.I.R. has been lodged as the earlier F.I.R. was only against the
Panchayat Rozgar Sewak and somehow the name of the then



Mukhiya could not be added as an accused. It has also been stated that for such lapse, the then S.H.O., Khaira P.S., who has not taken appropriate steps appears to be responsible, and an enquiry has been set up in this regard.

Learned counsel for the State has produced copy of Memo No. 344 dated 30.01.2017, which is a corrigendum issued to the order contained in Memo No. 231 dated 25.01.2017, relating to setting up an enquiry against the then S.H.O., Khaira P.S. Let the same be kept on record.

After some arguments, the Superintendent of Police, Jamui submitted that even in the previous case i.e., Khaira P.S. Case No. 142 of 2015, chargesheet has been submitted only against the Panchayat Rozgar Sewak and not against the then Mukhiya, which appears to be improper as the enquiry report on which the F.I.R. was lodged has held both of them equally responsible and, thus, during investigation, the Investigating Officer ought to have considered this aspect, moreso, when a formal request had also been made to make the then Mukhiya a named accused. He submitted that such aspect shall also be looked into by him so as to fix responsibility to ensure that such major lapse does not occur in future. He also assured the Court that the proceeding against the then S.H.O., Khaira P.S., who has now been promoted as a Deputy Superintendent of Police and



posted in BMP-11 at Jamui shall be taken to its logical conclusion in right earnest expeditiously, in accordance with law. As far as taking action against the Investigating Officer, he submitted that the same shall be initiated within two days and such proceeding shall also be taken to its logical conclusion expeditiously, in accordance with law.

The Court would only like to indicate that such behaviour by the police, which is an Investigating Agency, causes loss of faith of the general citizen in the criminal justice system which is heavily dependant on the police force of the State. In the present case, there are glaring acts of omission and commission by the police officers, which do not appear to be inadvertent and clearly indicates extraneous consideration. The Court is not going into the matter as it has been assured by the Superintendent of Police, Jamui, that he would take appropriate and strict action against all concerned.

The District Magistrate, Jamui has also assured the Court that in future, he will be careful with regard to taking action as well as sending instructions in matters, which are pending before the Courts.

Having regard to the aforesaid, the Court does not deem it necessary to keep the present matter pending.

Accordingly, the writ petition stands disposed off with the observation that the assurance given by the District



Magistrate as well as the Superintendent of Police, Jamui before this Court shall be faithfully and promptly complied with.

The personal appearance of the officers stand dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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