

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3184 of 2017

=====

Surendra Prasad Singh, Son of Late Sukhdeo Singh, Resident of Village-Simra, P.S.- Parsabazar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna
4. The Superintendent of Police, Patna.
5. The Officer-in-Charge, Parsa Police Station District Patna.
6. Mr. Birendra Prasad Singh, Son of Late Sukhdeo Singh, Resident of Village-Simra P.S. Parsabazar District Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, GP-4

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2018 Heard Mr. Pankaj Kumar, learned counsel for the petitioner, Mr. Bajrangi Lal, learned counsel for the intervenor and Mr. Manish Kumar, learned GP-4 for the respondent-State.

Though at the very outset, learned counsel for the petitioner seeks permission to withdraw the present writ application but in view of the controversy in the background in which, the present writ application has been filed, this Court is tempted and finds it necessary to record certain factual backgrounds.

The present writ application has been filed for a direction to the respondent authorities to get the mother of the petitioner released from the custody of Respondent No.6,



Birendra Prasad Singh, who happens to be the own brother of the petitioner.

I.A. No. 3131 of 2017

The above mentioned Interlocutory Application has been filed on behalf of the mother of the petitioner namely, Balkeshiya Devi, wife of late Sukhadeo Singh for impleading her as a party respondent.

Learned counsel for the petitioner does not dispute this fact that the intervenor, Balkeshiya Devi is the mother of the petitioner.

In the circumstances, the I. A. No. 3131 of 2017 is allowed. Learned counsel for the petitioner is permitted to implead Balkeshiya Devi as Respondent No.7.

From the I.A. No.3131 of 2017, it appears that the intervenor, Respondent No.7, Balkeshiya Devi, being wife of late Sukhadeo Singh, has four sons and three daughters namely, Kaushalya Devi, Mahendra Prasad Singh, Surendra Prasad Singh, kalawati Devi, Leelawati Devi, Ravindra Prasad Singh and Brind Prasad Singh @ Birendra Prasad Singh (Respondent No.6). The husband of intervenor, Balkeshiya Devi, died on 15.02.2011. Due to torture inflicted by the petitioner, she used to reside with her elder son, Brind Prasad Singh (Respondent



No.6) and she has never been in his confinement. Since she failed to succumb to the pressure given to her by the petitioner for executing the sale deed, therefore, the present writ application has been filed in the background of pending Title Suit No. 1939 of 2014.

Learned counsel for the petitioner does not controvert the factual details given in the Interlocutory Application, except the fact that so far as sale deed is concerned, it has been executed at the behest of other sons of Respondent No.7, Balkeshiya Devi, including Respondent No.6.

In view of the above facts, *prima facie*, it appears that the present writ application has maliciously been filed with inaccurate factual details.

The above facts have been recorded so that the petitioner may not attempt to file any such malicious writ application in future.

Accordingly, the present writ application is dismissed as withdrawn.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

U			
---	--	--	--

