

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.948 of 2016

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Shravan Mahto, son of Sri Ramanuj Mahto, Resident of Shiv Nagar,
Khemnichak, P.S. Ram Krishna Nagar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Bihar, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Superintendent of Police, Patna.
7. The Deputy Superintendent of Police, Sadar, Kankarbagh, Patna.
8. The Station House Officer, Ram Krishna Nagar Police Station, District Patna.
9. The Investigating Officer in Ram Krishna Nagar P.S. Case No. 61 of 2015, P.S. Ram Krishna Nagar, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar

For the Respondent/s : Mr. Md.Nadim Seraj(GP-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 13-08-2018 The present writ application was preferred while the matter was still under investigation. It was the grievance of the petitioner that his brother, who has been kidnapped and traceless since 28.03.2015, could not be recovered. It appears that in this connection one case being Ram Krishna Nagar P.S. Case No.61 of 2015 dated 28.03.2015 was registered.



Learned counsel for the State has pointed out from the counter affidavit that in course of investigation it transpired that the brother of the petitioner, aged about 13 years, had left the house in the morning at 6.00 hours and did not return, police authorities took steps to search out the missing boy but he could not be recovered. The case has been found true under Sections 363 and 365 of the Indian Penal Code against the unknown accused persons. Later on, on the basis of certain call detail reports traced from the mobile number of the victim, finally police has submitted a charge-sheet bearing no.276 dated 28.12.2016 against Raghunath Paswan, son of Kusheshwar Paswan. The police has also charge-sheeted one Amar Kumar, son of Kushwshwar Paswan from whom police had recovered mobile bearing IMEI No.35426906306740 which was found to be suspicious. It is submitted that the police authorities have taken steps to recover the boy, but in course of investigation he could not be recovered though charge-sheets have been filed against the accused whose prima facie involvement has been found in kidnapping of the boy. The investigation has already been closed. Learned counsel submits that earlier the petitioner had moved this Court in Cr.WJC No.625/2015 which was dismissed as withdrawn on 16.09.2015 with liberty to take recourse of appropriate provision of law.



In view of the information furnished in the counter affidavit, particularly the fact that the investigation has been closed and the charge-sheets have been filed against some of the accused and the earlier writ application was dismissed, this Court finds no reason to proceed with the present writ application. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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