

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2085 of 2017

Arising out of Hilsa P.S. Case No.418 of 2013, District-Nalanda

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Sanjay Raut, aged about 50 years, Son of Late Baudhu Raut, Resident of Village- Balwapur Sipara, Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Patna Region, Patna.
4. The District Magistrate, Nalanda.
5. The Superintendent of Police, Nalanda.
6. The Deputy Superintendent of Police, Hilsa, Nalanda.
7. The Investigating Officer, Hilsa P.S. Case No. 418 of 2013, District-Nalanda.
8. Nagina Mahto, Son of Late Bisheshwar Mahto, Resident of Village-Pakhanpur, Police Station- Hilsa, District- Nalanda.
9. Birendra Kumar @ Birendra Mahto @ Bighani @ Bighani Prasad, Son of Chandeshwar Mahto, Resident of Village- Balwapur Sipara, Police Station- Hilsa, District- Nalanda.
10. Rajju @ Raj Kumar @ RAju @ Raju Prasad, Son of Arjun Prasad, Resident of Village- Balwapur Sipara, Police Station- Hilsa, District-Nalanda.
11. Shailesh Manjhi, Son of Late Potahi Manjhi, Resident of Village-Balwapur Sipara, Police Station- Hilsa, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. Sheo Shankar Prasad(SC-8)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

7 08-08-2018

Today, a report of the Superintendent of Police, Nalanda at Biharsharif has been placed before this Court. It is



stated in the report that due to mistake or slip of pen the name of respondent nos.8, 9, 10 and 11 could not be mentioned showing them exonerated as per the evidences collected in the investigation and also as per the last progress report of SDPO, Hilsa and report-2 of the S.P., Nalanda.

Learned counsel for the State while filing the second supplementary counter affidavit has placed on record a copy of the report of the S.D.P.O. and other documents showing that due to mistake of the I.O. the fact that the respondents nos.8, 9, 10 and 11 are to be exonerated could not be mentioned. It is however submitted that the respondents are taking remedial measures in accordance with law in the court below within thirty days.

In the aforesaid view of the matter, the writ application has become infructuous, the Superintendent of Police, Nalanda shall ensure filing of appropriate report in the court below with regard to closure of the case as respect the private respondents. However, the petitioner will always be at liberty in terms of the provision contained under the Code of Criminal Procedure to lodge a protest, if so advised, against such final report in respect of the private respondents. The procedures are available in the Code itself and this Court at this stage need not go into such issues.



The writ application is disposed off in terms stated hereinabove.

(Rajeev Ranjan Prasad, J)

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