

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1795 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Purnia

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Kunal Kumar Son of Late Tej Narayan Ram Resident of Amla Tola
Madhubani (Amla Tola - As per I.D. Proof) P.S.T.O.P. Madhubani (Ke Hat),
District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Police Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Purnea.
4. The SHO, T.O.P. Madhubani (Ke Hat), District Purnea.
5. The SHO, Purnea Sadar, Purnea.
6. The Pratap Singh Son of Jai Mangal Singh Resident of Sipahi Tola, P.S. - T.O.P.
Madhubani (Ke Hat), District - Purnea.
7. Savita Devi Wife of Pratap Singh Resident of Sipahi Tola, P.S. - T.O.P.
Madhubani (Ke Hat), District - Purnea.
8. Santosh Yadav Late Ajay Yadav Resident of Purnea Court Station, P.S. Purnea
Sadar, District Purnea.
9. Rekha Devi w/o late Tej Narayan Ram.
10. Kashish Kumari d/o Late Narayan Ram, r/o Amla Tola, Madhubani P.S. T.O.P.
Madhubani (Ke Hat), District Purnea.

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 1796 of 2018

Arising Out of PS. Case No.-391 Year-2018 Thana- PURNEA SADAR District- Purnia

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Jeevachh Kumar Rishi S/o Fakir Chandra Rishi, R/o Singhiya Tola,
Begumbad, Pokhariya, Benguabad Purnea, P.S.- Purnea Sadar , District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Home Police Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The Supreintendent of Police, Purnea.
4. The SHO, T.O.P. Madhubani (Ke Hat), District Purnea.
5. The SHO, Purnea Sadar, Purnea.
6. Fuliya Devi w/o Fakir Chandra Rishi, r/o Singhiya Tola, Begumbad Pokhariya,
Benguabad Purnea, P.S. Purnea Sadar, District Purnea.

... .. Respondent/s

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Appearance :

(In Criminal Writ Jurisdiction Case No. 1795 of 2018)

For the Petitioner/s : Mr. Sandeep Kumar, Adv & Mr. Ranjeet Kumar,



Adv
For the State : Mr. Prabhu Narayan Sharma, Adv
For respondent no. 9 & 10: Mr. P.K. Sahi, Sr. Adv, Mr. N.K. Agrawal, Sr. Adv,
Mr. Saket Tiwary, Adv, Mr. Sanjeev Kumar Dubey,
Adv and Mr. Saket Gupta, Adv

(In Criminal Writ Jurisdiction Case No. 1796 of 2018)

For the Petitioner/s : Mr. Sandeep Kumar, Adv & Mr. Ranjeet Kumar,
Adv
For the State : Mr. Prabhu Narayan Sharma, Adv
For respondent no. 9 & 10: Mr. P.K. Sahi, Sr. Adv, Mr. N.K. Agrawal, Sr. Adv,
Mr. Saket Tiwary, Adv, Mr. Sanjeev Kumar Dubey,
Adv and Mr. Saket Gupta, Adv

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 01-08-2018

Heard parties.

Perused the order dated 27.07.2018. It appears that this case was taken up by a co-ordinate bench of this Court and the Superintendent of Police, Purnea was present before the Court who had stated that after receipt of the complaint from the Court of C.J.M., Purnea, a formal FIR has already been drawn and registered. It has also been accepted that the delay has occurred in registration of the FIR. The Court has recorded that respondent nos. 9 and 10 in Cr.W.J.C No. 1795 of 2018 and respondent no. 6 in Cr. W.J.C No. 1796 of 2018, have voluntarily appeared before the Court. It has also been stated before us that by filing affidavits, statements of the concerned persons under Section 164 of the Cr.P.C have also been recorded by the concerned Magistrate in which they have said that they had gone to visit their relative at



their own volition. Since the concerned respondents were produced before this Court, in our view, this proceeding for issuance of a writ of *habeas corpus* has become infructuous.

Accordingly, these writ petitions stands disposed of.

However, by filing affidavit, certain allegations have been levelled against police and certain persons also. It is also pointed out that a direction was given to the Director General of Police, Bihar, to enquire into the matter and it has been informed that the order has been complied as a direction was given to the Deputy Inspector General of Police, Bihar to comply the direction of the Court.

In our view, appropriate enquiry should be made by the Director General of Police, Bihar and, if required, necessary action should be taken. However, that report would not be required to be submitted before this Court because this proceeding has already come to an end.

Petitioners have further stated before us that they are not being allowed to meet their mother and sister and FIR has been registered stating that they have already been kidnapped by Jitendra Yadav and Ors. We don't have to say anything upon registration of FIR but both the petitioners are here before us and



they have been identified by their lawyer. They have stated before us that they have not been kidnapped by anybody.

It goes without saying that no innocent person should be harassed by the police.

Let a copy of the this order be communicated to the Director General of Police, Bihar and the Superintendent of Police, Purnea for its strict compliance.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.08.2018
Transmission Date	04.08.2018

