

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.550 of 2017

Arising Out of PS. Case No.-40 Year-2016 Thana- SC/ST District- Supaul

Dhruv Prasad Singh Son of Late Ram Chandra Prasad Singh, resident of
village - Sukhpur, P.S. Supaul, Supaul - 852130

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Director General of Police, Bihar, Old Secretariat, Patna 800015
3. The Inspector General of Police, Darbhanga Zone, Police Office, Darbhanga
846001
4. The Deputy Inspector General of Police, Saharsa Range, Saharsa - 852201
5. The Superintendent of Police, Supaul 852131
6. The Sub - Divisional Police Officer, Supaul Police Station Campus, Supaul -
852131
7. Smt. Veena Kumari, Additional Superintendent of Police, Vigilance Bureau,
6, Kautilya Marg, Patna 8
8. The Station House Officer, Schedule Case /Tribe Police Station, Supaul
852131
9. Shri Prem Prakash Arya father's name not known, Sub - Inspector of Police,
Schedule Caste/Tribe Pol

... .. Respondents

Appearance :

For the Petitioner : None

For the Respondent-State: Mr.Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-08-2019

No one appears for the petitioner. Learned counsel for
the State is present.

2. Perused the writ petition.



3. The prayer of the petitioner in the instant writ petition is for directing the respondents-police officials to investigate the case properly and to take appropriate action against the respondent no. 7.

4. On perusal of the writ petition, I find that the petitioner has pleaded that no offence as alleged was ever committed. The police have lodged the case at the instance of one Chandrakala Devi, PACS Chairman in retaliation of police case bearing Supaul P. S. Case No.12 of 2017 lodged by daughter-in-law of petitioner against Chandrakala Devi and her family members. He has further pleaded that in the matter of investigation, the Police Manual and the Code of Criminal Procedure (for short 'CrPC') are not being followed.

5. A counter-affidavit has been filed on behalf of respondent no. 5 wherein it has been stated that the writ petition is misconceived and against the facts of the case. The allegations made in the FIR clearly attract the ingredients of the offence punishable under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC/ST Act'). Apart from, the offences under the SC/ST Act, allegations also attract ingredients of offences punishable under Sections 323, 341, 379, 504 and 506 of the Indian Penal Code.



6. The petitioner Dhruv Prasad Singh is a named accused in Supaul SC/ST P. S. Case No. 40 of 2016 dated 21.12.2016 registered inter alia under Section 3(1)(r)(s) of the SC/ST Act.

7. In the written report submitted to the Officer-in-charge of the police station, the informant Gulgul Paswan has alleged that on 20.12.2016, at about 9 a.m., when he was going towards Sukhpur Chowk, he collided with the petitioner upon which he became angry and started abusing him by taking his caste name 'Dusadh'. When he apologized, the petitioner called his sons, namely, Ranjeet Kumar Singh and Rajan Kumar Singh and, thereafter, they surrounded and assaulted him mercilessly. He has further alleged that they snatched Rs.5000/- from the pocket of his shirt.

8. Learned counsel for the State submitted that in course of investigation, the statements of witnesses were recorded under Section 161(3) of the CrPC and the police official also found the case to be true. He submitted that the statutory provisions prescribed under the CrPC and the Police Manual are strictly being adhered to by the police officials while investigating and supervising the case.



9. Regard being had to the facts and circumstances of the case, I see no merit in this writ petition.

10. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2019
Transmission Date	08.08.2019

