

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.617 of 2017

Arising Out of PS. Case No.-47 Year-2017 Thana- TAJPUR District- Samastipur

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Ankesh Kumar Singh S/o Ram Sevak Singh, Resident of Village- Supaul, P.S.
and Circle, Patori, Block and Sub- Division- Patori, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Old Secretariat, Patna
2. The Director, General of Police, Old Secretariat, Patna.
3. The Inspector General of Police, Darbhanga.
4. The Superintendent of Police, Samastipur.
5. The Deputy Superintendent of Police, Patori, District- Samastipur.
6. The Thana - in - Charge - cum - Police Inspector, Patori Thana, District- Samastipur.
7. The Thana- in - Charge, Thajpur Thana, District- Samastipur.
8. The Director General of Police, Govt. of Jharkhand, Ranchi.
9. The Deputy Superintendent of Police, Hatia, Ranchi.
10. The Thana-in-Charge, Jagarnathpur Thana, Ranchi.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Chandra Bhushan Verma, Advocate
For the State of Bihar	:	Mr. Ajay Kumar Sharma, Advocate
For the State of Jharkhand	:	Mrs. Manjari Nath, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-08-2019

The instant writ petition has been filed by the petitioner for directing the respondents not to arrest or torture him on mere suspicion. He has further prayed that a direction be given to the respondents to pay rupees five lacs as compensation to his nephew, namely, Arjun Kumar, because he was illegally arrested and kept in lock up in Jagarnathpur Police Station Hajat, Ranchi on 27.02.2017.



2. The contention of the petitioner is that he has been falsely implicated in Tajpur P.S. Case No.47 of 2017. The Police Officers are bent upon to arrest him in connection with that case. His further contention is that his nephew was illegally detained by the police in Ranchi for which he should be properly compensated.

3. Separate counter affidavits have been filed on behalf of respondent nos.4 to 7 and respondent nos. 8 and 9.

4. Learned counsel appearing for the State of Bihar has submitted that one Vidya Sagar Singh Nishad, MLA, Morwa had submitted a written report to the Tajpur Police Station on 25.02.2017 alleging therein that on 25.02.2017 itself he had received three messages at 09.43, 09.47 and 09.53 a.m. on his mobile phone no.9430046135 demanding rupees one crore as ransom. He was also threatened to retire from politics failing which his entire family would be killed.

5. He contended that after institution of the case, the case was investigated upon and, in course of investigation, with the help of mobile location, call details record, customer application form and disclosure made by the accused persons, it came to light that the petitioner had played a vital role and conspired along with other accused persons in



demanding ransom from the informant.

6. He submitted that in course of investigation six persons were arrested and the petitioner Ankesh Kumar Singh is evading arrest. According to him since involvement of the petitioner had transpired in commission of the offence, the police tried their level best to apprehend him in order to produce before the court.

7. On the basis of the aforesaid submissions, learned counsel for the State submitted that the writ petition is thoroughly misconceived, as an accused, who is evading to appear before the police or the court has ventured to approach this Court demanding an order of no arrest for himself and compensation for his nephew.

8. Learned counsel appearing for respondent nos. 8 and 9 submitted that the Inspector of Police-cum-Officer-in-charge of Jagarnathpur Police Station, Ranchi had sent a report to the Senior Superintendent of Police, Ranchi vide letter no.2857/17 dated 04.07.2017 whereby it was intimated that in relation to Tajpur P.S. Case No.47 of 2017 dated 25.02.2017 registered under Section 387 of the IPC, Rajesh Kumar, Inspector of Police, Mufassil Circle, Samastipur, Sri Suneshwar, Sub-Inspector of Police, Tajpur Police Station and Sri Vijay



Kumar Rawat (Constable No.591) had come from Samastipur (Bihar) to the Jagarnathpur Police Station on 26.02.2017 at 9 a.m.. He submitted that for verifying the name and address of the owner of the SIM No.7461057919, Vimal Kumar, a Sub-Inspector of Police, Jagarnathpur Police Station, as per the direction of the superior police officers had assisted the police team of Samastipur (Bihar). In course of investigation of the aforesaid case, no person had been brought to the Jagarnathpur Police Station. Neither any one was detained in the lock up nor any signature had been taken from any one.

9. Having heard learned counsel for the parties and carefully perused the record, I am of the considered opinion that there is no fault on the part of the police in conducting investigation into a sensitive case registered under Section 387 of the IPC.. Since the involvement of the petitioner has been found by the police in commission of a case under Section 387 of the IPC and he is evading to appear either before the investigating agency or the court and the police have discretionary jurisdiction under Section 41 of the Cr.P.C. to arrest a person whose involvement is found in commission of a cognizable offence, no mandamus can be issued by this Court prohibiting the police from taking him into custody. Similarly,



since there is no evidence that nephew of the petitioner was illegally confined in the lock up of Jagarnathpur Police Station, there is no question of awarding any compensation to him.

10. The writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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