

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.930 of 2019

Arising Out of PS. Case No.-361 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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Shekh Afrad Ali @ Shekh Afrad, Son of Late Shekh Najir, Resident of
Village-Chintamanpur, P.O.-Chatiya Areraj, P.S.-Malahi, District-East
Champaran at Motihari.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
4. The Additional Director General of Police, Head Quarter, Government of Bihar, Patna.
5. The Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
6. The Deputy Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
7. The Superintendent of Police, East Champaran at Motihari.
8. The Sub-Divisional Police Officer, Areraj, District- East Champaran.
9. The Officer-in-Charge, Malahi Police Station District- East Champaran.
10. The Investigating Officer Malahi P.S. Case No. 361 of 2018 P.S.- Malahi, District- East Champaran at Motihari.
11. Ishteyak Ali, Son of Sekh Asgar Ali, Resident of Village- Chintamanpur, P.O. Chatiya, P.S.- Malahi, District- East Champaran.
12. Arshad Master, Son of Shekh Shabir Ali, Resident of Village- Chintamanpur, P.O.- Chatiya, P.S.- Malahi, District- East Champaran.
13. Ahrar Ali, Son of Shekh Ishteyak Ali, Resident of Village- Chintamanpur, P.O.- Chatiya, P.S.- Malahi, District- East Champaran.
14. Waqar Ali, Son of Shekh Ishtehar Ali, Resident of Village- Chintamanpur, P.O.- Chatiya, P.S.- Malahi, District- East Champaran.
15. Pappu Shekh @ Ahtesham Ali, Son of Shekh Ishtehar Ali, Resident of Village- Chintamanpur, P.O.- Chatiya, P.S.- Malahi, District- East Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate
For the Respondent/s : Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 17-06-2019



The prayer of the petitioner in para 1 of the writ application is as under:-

(i) For directing the respondent authorities specially the respondent no.5 to monitor Gobindganj (Malahi) Police Station Case No.361 of 2018 dated 07.12.2018 registered for the offence under sections 147, 148, 149, 307, 302, 504 and 506 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 27 of the Arms Act which has been lodged on the written statement of the petitioner for brutal killing of his young son and 2nd son of the petitioner was badly injured by sword (Talwar) and the petitioner was himself injured by F.I.R. named accused persons entered into a criminal conspiracy with respondent no.11 to 15.

(ii) For directing the respondent authorities to add the name of the respondent no. 11 to 15 as accused in Gobindganj (Malahi) P.S. Case No.361 of 2018 alongwith all F.I.R. named accused in the said F.I.R. on the ground that the respondent no. 11 to 15 entered into a criminal conspiracy along with the F.I.R. named accused persons and in a pre-planned way son of the petitioner Md. Nehal was killed and another son Md. Israr Ali was badly injured on 07.12.2018



whereas all the accused persons were/are in planning to kill the entire family of the petitioner.

(iii) For directing the respondent authorities specially the respondent no.7 and 8 to direct the respondent no.11 to 15 in the charge sheet including the F.I.R. named accused persons.

(iv) For directing the respondent authorities to provide proper security to the family of the petitioner because the entire family of the petitioner is apprehending after killing of a young boy i.e. one of the son of the petitioner at the hands of the respondent no.11 to 15 including the F.I.R. named accused persons.

(v) For all consequential reliefs to which the petitioner is found entitled in course of hearing of this writ application.

2. A counter affidavit has been filed on behalf of the State. Let the same be kept on record.

3. Para 8 of the counter affidavit reads as under:-

“8. That being satisfied with the Final Progress Report, the Superintendent of Police issued Report-3 and passed an order for submission of Charge sheet against the accused persons and the I.O. submitted Charge Sheet no. 3/19 dated 04.03.2019 and the investigation of this case is closed.”



4. Having gone through the contents of the counter affidavit, specially para 8, as quoted above, learned counsel for the petitioner submitted that since the investigation is over and a report under Section 173(2) Cr.P.C. has already been submitted, the petitioner would take appropriate legal steps in accordance with law in the court below itself.

5. Having regard to the submission made above, the application is disposed of.

6. Since the investigation is over and the police report has been submitted in the court of Magistrate, the Magistrate concerned shall commit the case without any delay. Once the commitment is made, the court of session shall proceed with the trial expeditiously.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.06.2019
Transmission Date	21.06.2019

