

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.559 of 2019

Arising Out of PS. Case No.-952 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Awadhesh Kumar Singh, Son of Braj Kishore Prasad Singh, Resident of
Village- Chandwara, P.O.- Kartahan Buzurg, P.S.- Kartahan Buzurg, District-
Vaishali, at present residing at Mohalla- Majhauuli Dharamdas, P.O.- Bela
Ramna, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General Of Police, Bihar, Patna.
4. The Additional Director General of Police (Head Quarters) Bihar, Patna.
5. The Inspector General of Police (Security), Special Branch, Bihar, Patna.
6. The Inspector General of Police, Turhut Zone, Muzaffarpur.
7. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
8. The District Magistrate, Muzaffarpur.
9. The Senior Superintendent of Police, Muzaffarpur.
10. The Deputy Superintendent of Police, Town, Muzaffarpur.
11. The Officer in Charge, Town P.S.- Muzaffarpur.
12. The Officer-in-Charge, Sadar P.S., Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Sunil Kumar Verma, Advocate Mr. Anish Kumar, Advocate Mr. Suman Kumar Verma, Advocate
For the Respondents	:	Mr.Prabhu Narayan Sharma, A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-03-2019 Heard learned counsel for the petitioner.

This writ petition has been framed as a Criminal Writ



Jurisdiction Writ Petition levelling allegation against the respondents that they with a malicious intention had taken the petitioner into unlawful custody on the night of 12th/13th of December, 2018 and this custody continued, whereafter a fake case appears to have been registered against the petitioner in respect of the possession of an arms licence on the basis of manipulated documents.

The petitioner was taken into judicial custody and sent on remand. This is evident from the order of the Chief Judicial Magistrate dated 15th December, 2018.

Prima facie, the question of unlawful custody therefore does not arise, but on the insistence of the learned counsel to go through the records, we have gone through the Licensing Authority Master Report, which has been filed at page 39 of the paper book. The same is reproduced herein under:

**“Arms License Issuance Authority
DISTRICT MAGISTRATE
MUZAFFARPUR, BIHAR
LICENSE HOLDER MASTER REPORT**

Name of the	: SHRI AWADISH KUMAR SINGH	UIN	: 051680029543442016
Father's Name	: BRIJ KISHOR SINGH	License Type	: INDIVIDUAL
Date of Birth	: 01/JAN/1974	Permanent Address	
Present Address	: C/O RIME BUILDING GANGA		: VILLAGE CHANDEWARA
Police Station	: ITANAGAR	District	: KATIHAR
District	: PAPUMPARE (CITY)	State	: BIHAR
State	: ARUNACHAL PRADESH	Email Address	: NOT AVAILABLE
Tele.No./Mobile	: 9934493711		
License Number	: HMB/AP/18/ARMS/13	Issuing Authority	: HOME SECRETARY
Validity	: From 19/FEB/2013 To 19/FEB/2016		
Issue Date	: 19/FEB/2013	Renew License	: 20-FEB-2016
Area Validity	: SDM/TALUKA/TEHSIL/OTHERS		

Weapon Detail(s)



LICENSE NUMBER	WEAPON CATEGORY	WEAPON TYPE	WEAPON BORE	WEAPON NUMBER	NO OF CARTRIDGE (Ammunition Allowed One Time/Ammunit -ion Allowed Yearly)	WEAPON MAKE	WEAPON STATUS
HMB/AP/18/ ARMS/13	PERMISSIBLE	DBBL	DBBL	10353/2018	50	NA	ACTIVE

Learned counsel submits that this was a valid licence, which has been issued from Arunachal Pradesh and there appears to be an error of record in the computer by mentioning the district of Katihar.

Page 48 (Annexure 4 to the writ petition) is a verification letter stated to have been issued by the Government of Arunachal Pradesh on 24th January, 2019 and in the said verification report, a mention has been made about the district of Vaishali and the date of renewal as 29.05.2015 and renewed up to 18th February, 2019. On a comparison of the aforesaid documents with the License Holder Master Report, it is obvious that the district shown was Katihar, which is not the district of the petitioner and even otherwise the licence number as indicated suffers from an incorrect description to the extent that the I.D. number and UIN number are not mentioned in the License Holder Master Report. Secondly, the licence was valid, according to the master report, from 19th February, 2013 to 19th February, 2016. This does not match with the date of renewal as mentioned in Annexure 4. The aforesaid documents are



therefore sufficient enough so as to raise a point of investigation and for prosecuting the petitioner under the offences for which action has been taken. This writ petition is not only misconceived but also has been filed for some ulterior purpose.

The insistence of the learned counsel and the background in which this petition has been filed calls for an imposition of heavy cost but we refrain from doing so at this stage.

The petition is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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