

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12785 of 2014

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Ram Nath Paswan, S/o Biltu Paswan, R/o village - Rajapur Mathia, P.S.
Kotwa, Distt. - West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. Principal Secretary, Home Special Department, Government of Bihar, Patna
4. Director General of Police, Bihar, Patna
5. Inspector General of Police, Muzaffarpur Zone, Muzaffarpur
6. Deputy Inspector General of Police, Bettiah Range, West Champaran
7. Superintendent of Police, East Champaran, Motihari
8. Sub - Divisional Police Officer, Chakia
9. Block Development Officer, Chakia, Distt. - East Champaran
10. Sub Divisional Officer, Chakia, East Champaran
11. Station House Officer, Pipra, East Champaran
12. Dilip Kumar, then Station House Officer, Pipra, East Champaran, Presently
Posted Station House Officer, Mufassil, East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Nirbhay Prashant, Advocate
For the Respondent/s : Mr Rajeev Shekhar, AC to GA XIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-06-2019 Heard learned counsel for the petitioner as well as the
learned counsel for the State.

2 The petitioner, an Assistant in the office of the
Block Development Officer (for brevity, *BDO*), Chakia, was
made an accused in a case bearing Pipra Police Station Case No
19 of 2008 for the alleged offence registered under Section 409
of Indian Penal Code on the basis of a report submitted by the



BDO, Chakia. The first information report (for brevity, *FIR*) alleged irregularities in the matter of implementation of distribution of Complete Rural Employment Scheme, 2006 – 2007 and embezzlement of certain food grains.

3 Learned counsel for the petitioner submits that the petitioner was not named in the *FIR* and that his arrest was illegal and, therefore, prays that he may be compensated for his illegal arrest. The petitioner has subsequently been discharged from the case, as it is apparent from the records, upon submission of final form in his favour (Annexure 4 to the writ petition).

4 The claim for compensation, *prima facie*, does not merit any consideration. Merely, for the fact that final form has been submitted in favour of the petitioner, this Court cannot conclude that the arrest itself was illegal or that the petitioner is entitled to any compensation. The petitioner has suffered the normal rigours of the criminal case. The claim for compensation, if at all, has to be made by the petitioner in an appropriate proceedings placing reliance upon facts and evidence on the basis of which he claims compensation.

5 Writ petition is disposed of with liberty to the petitioner to avail of the appropriate remedy for compensation



in accordance with law.

(Madhuresh Prasad, J)

M.E.H./-

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