

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.660 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Ajay Kumar S/o Shri Jaleshwar Prasad Permanent Resident of P.O. and P.S.-
Koilarwar, District- Bhojpur- 802160. Present Address Flat No. 306, Shreya
Garden West Abhiyanta nagar, Bailey Road, P.S.- Rupaspur, District- Patna-
801503

... .. Petitioner/s

Versus

1. The State Of Bihar, Through Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna Bihar
2. The Home Secretary, Government of Bihar, Old Secretariat, Patna Bihar
3. The Director General of Police, Bihar, Patna Bihar
4. The District Magistrate, Patna Bihar
5. The Senior superintendent of Police, Patna Bihar
6. The Officer In charge, S.K. Puri Police Station, Patna Bihar
7. Shri Uma Shankar Singh, Sub Inspector of Police, S.K. Puri Police Station, Patna Bihar
8. Smt. Maisha Prasad, Block Development Officer, Pandarak, Patna. Presently BDO Hussaingang, Siwan Bihar
9. The Officer In charge, Rupaspur Police Station, Danapur, Patna Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-04-2019 The instant writ application has been preferred by the
petitioner for the following reliefs:-

“I. Issuance of directions, order or writ in the
nature of Mandamus directing the
Respondents to punish the guilty officials for
their illegal act of wrongful detention of the
petitioner in S.K. Puri Police Station in
thenigh of 14.12.2014 right from 2.A.M till
morning 7.A.M. under great stress,



humiliation, threat and was verbally tortured throughout the period of illegal detention without any crime, cause, rhyme or reason.

- II. Issuance of directions, order or writ in the nature of Mandamus directing the Respondents to take suitable action against the disgraceful behaviour and arbitrary action of the Officer-In-charge of the Rupaspur Police Station, Danapur, Patna.
- III. Issuance of directions, order or writ in the nature of Mandamus against the respondents for their explanation to the Hon'ble Court as to why and under what offense and law the petitioner was detained for his no fault and no offense having been committed by him. What inquiry was conducted before the petitioner was apprehended? How the timing of apprehension is justified? Why the petitioner was not allowed a dignified response? What was the urgency to apprehend the petitioner at 2 AM? Why to dictate a compromise if there was no complaint? It at all there was a complaint, why wasn't the petitioner's response sought? Does it not tantamount to denying him the chance to respond to the allegation? Isn't this the violation of natural justice?
- IV. Issuance of directions, order or writ in the nature of Mandamus directing the respondents to pay heavy compensation to



the petitioner for uncalled for an illegal detention for humiliation of the petitioner's as a citizen.

- V. Issuance of directions, order or writ in the nature of Mandamus against the respondents to pay the cost of the case to the petitioner.
- VI. Any other relief or reliefs for which the petitioner is deemed entitled to."

Earlier in CWJC No. 19336 of 2014 the petitioner had made identical prayer. That writ petition was dismissed as withdrawn vide order dated 25.02.2019 after some arguments.

Mr. Lal Babu Singh, learned counsel for the petitioner, apprehending that the order may be passed against the petitioner, seeks leave to withdraw the same.

Apparently, the instant application, with the same prayer, after dismissal of the earlier writ petition as withdrawn after some argument, is an abuse of the process of the Court. 0

However, since the learned counsel for the petitioner has sought for withdrawal of the application, the same is dismissed as withdrawn.

(Ashwani Kumar Singh, J)

pradeep/sneha

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