

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.202 of 2020

Arising Out of PS. Case No.-147 Year-2011 Thana- KASIMBAZAR District- Munger

Rajendra Prasad Sah, Son of Late Bhubneshwar Sah Resident of Saha Sadan
Saidalpur Bibi Chack, Police Station-Kasimpur, District-Munger at present
resident of Rajiv Nagar, Police Station-Rajiv Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Sectt., Govt. Of Bihar, Old Secretariate, Patna
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Munger.
4. The Superintendent of Police, Munger.
5. The Deputy Superintendent of Police, Munger.
6. Dharmendra Mandal, Son of Laxmi Mandal Resident of Koiri Tola, P.S- Kasim Bazar Maksarpur, District-Munger at present Sahasadar, Sandalpur Bibi Chak, Police Station-Kasim Nagar, District-Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Adv.
For the Respondent/s : Mr. P.N. Sharma, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 25-02-2020 The petition filed on 19.2.2020 is listed for hearing
for the first time today before the Court.

This application has been preferred praying inter alia
for the following relief/s:

“For issuing a writ of Habeas Corpus or any
other appropriate writ or order or direction to the
concerned official respondents to produce Shri Naresh



Gupta, son of Bhubneshwar Sah and Surendra Sah and his three sons namely Anand Mohan, Amit Kumar and Ramesh Kumar, all sons of Surendra Sah, residents of Saha Sadan, Kasim Bazar, Muntger except the official authorities are set to be absconding since different dates starting from 1999 and if they are traced out to be serving and living at particular places they should be directed to produce evidences of the sale of ancestral properties at Munger.”

Having heard learned counsel for the petitioner, we are of the considered view that the present petition is totally misconceived, if not an abuse of the process of law. Petitioner alleges that Respondent No. 6 namely Dharmendra Mandal, son of Laxmi Mandal has trespassed into the property of his brother, namely Naresh Gupta, Son of Bhubneshwar Sah. Also the whereabouts of the said Naresh Gupta and his three sons, namely Anand Mohan, Amit Kumar and Ramesh Kumar, are not known since more than ten years.

We notice from the record that in relation to the missing of such persons, an F.I.R. dated 15.9.2011 was registered pursuant to the complaint lodged by the present petitioner. In the investigation conducted by the police, allegations have been found to be absolutely false and motivated. The petitioner has not filed any protest petition against the said investigation or challenged the same at any



point in time. It is only in these proceedings in the present petition, filed as a habeas corpus petition, on 19.2.2020, the petitioner has raised such an issue.

Learned counsel for the State Shri P.N. Sharma states that the instant petition stands filed only as a counter blast to the proceedings initiated against the writ-petitioner under the provisions of Sections-182/211 of I.P.C.

As such, the present petition, devoid of merit, is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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