

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1765 of 2019

Arising Out of PS. Case No.-832 Year-2019 Thana- DANAPUR District- Patna

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Ravi Kumar, Son of Late Suresh Prasad, Resident of Mohalla - Maidatoli,
B.B. Ganj, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Home,
Government Of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Patna Range, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, District - Patna.
6. The Sub Divisional Police Officer, Sub- Division, Danapur, District - Patna.
7. The Officer-in-charge, Police Station- Danapur, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.Sheo Shankar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2020 No one appears for the petitioner. Learned counsel for
the State is present.

Petitioner in the present case is an accused in Danapur
P.S. Case No.832 of 2019. He has moved this Court seeking a
direction to the respondents authorities to discharge him from
the said case and to re-investigate the case through C.I.D. or any
other independent police agency.

It is the grievance of the petitioner that the sub-
inspector of police who has lodged the FIR had entered in his



house and coerced his widow mother at 1.45 am (night hours) to call this petitioner alleging that he had kept a pistol which was given to him by one Rahul Kumar, son of Sri Suresh Yadav. The mother of the petitioner called him whereupon he was badly assaulted and was asked to give pistol which the petitioner denied and thereafter he was taken to police Hazrat on 24.10.2019 in the midnight but his arrest was shown on 25.10.2019 at 10.30 hours. He has further submitted that the matter is required to be investigated through an independent agency.

Learned counsel for the State submits that if it is the grievance of the petitioner as narrated in the writ application, his widow mother or the petitioner himself could have filed an appropriate case either in the concerned police station or before the competent court but instead of doing that he has moved this writ application making such allegations for the first time in the writ petition.

It is further submitted that as per the seizure report one pistol has been recovered from the possession of the petitioner.

Having heard learned counsel for the State and on going through the statements made in the writ application, this



Court finds no material on record to show that upon his production before the learned C.J.M. he had made any such allegations or had informed the learned court below with regard to his arrest on the previous date i.e. 24.10.2019 itself. The statements by way of allegations made in the writ application for the first time cannot be a material for this Court to issue a writ of mandamus as being sought by the petitioner. So far as his prayer for discharge from Danapur P.S. Case No.832 of 2019 is concerned, in case the police submits a final report against him he will be at liberty to take appropriate steps in the court below seeking his discharge on such grounds as may be available to him in accordance with law.

In case, the petitioner is aggrieved by any unlawful action of the S.H.O. concerned as has been alleged by him, he will be again at liberty to seek his remedy in accordance with law.

This writ application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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