

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1889 of 2019

Arising Out of PS. Case No.-1321 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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DEWA GOPAL Son of Sri Gauri Shankar Singh Resident of 30/60 near
Officer's Flat, Friends Colony, Bailey Road, P.S.- Kotwali District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, District- Munger. Munger.
3. The Sr. Superintendent of Police, Munger. Munger.
4. The S.H.O., Jamalpur Police Station, District- Munger. Munger.
5. Pankaj Kumar @ Pankaj Kishore Sinha Son of Birendra Prasad Sinha
Resident of Mohalla- Idgah Road, Keshwpur, P.S.- Jamalpur, District-
Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Choubey Jawahar
For the Respondent/s : Mr.Md. Nadim Seraj

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-01-2020 The present petition has been filed for directing the respondent authorities especially the Senior Superintendent of Police, Munger and the S.H.O., Jamalpur Police Station, Munger to ensure arrest of the private respondent no. 5, against whom non-bailable warrant of arrest has been issued by the learned court below on 15.03.2018 and thereafter steps have also been taken under Sections 82 and 83 of the Cr.P.C. pursuant to the order of the learned court below dated 20.02.2019 . It is further submitted that prior to issuance of non-bailable warrant of arrest and taking of steps under Sections 82 and 83 of the



Cr.P.C., the learned court below had taken cognizance of the offences punishable under Sections 406, 420 and 412 of the Indian Penal Code vide order dated 28.06.2016 against the respondent no. 5 in Complaint Case No. 1321C of 2016 filed by the petitioner herein.

The learned counsel for the petitioner has submitted that despite issuance of non-bailable warrant of arrest as well as issuance of processes under Sections 82 and 83 Cr.P.C., the respondent nos. 3 & 4 have failed to arrest the respondent no. 5 and bring him to the Court so that the further proceedings of the aforesaid Complaint in question can be undertaken.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present petition with liberty to the petitioner to approach the learned court of Chief Judicial Magistrate, Patna where the aforesaid Complaint Case No. 1321 (C) of 2016 is pending adjudication and file appropriate petition for the purposes of taking action against the police officials who have failed to arrest the accused respondent no. 5 and bring him to the dock. In case a petition is filed by the petitioner, the learned C.J.M., Patna shall ensure arrest of accused respondent no. 5 and his production before the court as well as shall take recourse to appropriate measures including



imposition of fine and initiation of contempt proceedings in case
the police officials fail to arrest the accused respondent no. 5
and/or fail to adhere to the directions of the learned court below.

With the aforesaid observations and directions, the
present petition stands disposed off.

(Mohit Kumar Shah, J)

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