

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25099 of 2021

Arising Out of PS. Case No.-910 Year-2015 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

CHANDRIKA PRASAD, Son of Late Prakash Chand @ Prakash Prasad
Resident of Road No. 1, Radha Krishna Colony, near Beur Mor, New Bypass
Road, P.S.- Beur, District- Patna, the then Superintendent of Police,
Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. Dhaneshwar Sharma @ Budhan Sharma Son of Late Suresh Sharma
Resident of Village- Dumari, P.S.- Ghosi, District- Jehanabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr. Shashank Shekhar, Advocate Ms. Vaishnavi Singh, Advocate
For the informant	:	Mr. Shivendra Prasad, Advocate
For the State	:	Mr. A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 06-09-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office
vide its notes dated 05.04.2021, within four weeks of starting of
Court proceeding in physical mode in normal course.

Heard Sri Ajay Kumar Thakur, learned counsel for
the petitioner, Sri Shivendra Prasad, learned counsel appearing
on behalf of informant and Sri A.M.P. Mehta, learned A.P.P. for
the State through video conferencing.

The petitioner apprehends his arrest in connection
with Complaint Case No. 910 of 2015, for the offence under



Sections 419, 465, 467, 468, 471, 167, 193, 195(A), 182, 211 read with Section 120(B) of the Indian Penal Code.

The accusation is that Ghosi P.S. Case No. 115 of 2011 was instituted on 21.04.2011 under Sections 323, 341, 504 and 506/34 of the Indian Penal Code and Section 3(i)(x) of the SC/ST (Prevention of Atrocities) Act on the basis of written report of one Kapil Mochi against six persons including the complainant/O.P. No.2 Dhaneshwar Sharma @ Budhan Sharma in which, after investigation, Chargesheet No. 201 of 2011 was submitted on 30.07.2011. Following the directives of the Police Headquarter, the case was re-supervised by Sri Navin Chandra Jha, A.S.P. Arwal and, during supervision, informant Kapil Mochi and witness Mahendra Choudhary gave their statements and also furnished affidavit denying the occurrence and informant Kapil Mochi also denied his signature on the written report. After trial, the complainant/O.P. No.2 and others were acquitted from the charges. Thereafter, complainant/O.P. No.2 Dhaneshwar Sharma approached before the Human Right Commission, where finding was drawn to the effect that why not F.I.R. has been lodged against two erring Police officers and why not compensation of Rs. 50,000/- was paid to victimized persons. In the light of the directives of the Human



Right Commission, Ghosi P.S. Case No. 162 of 2014 was instituted against Umesh Kumar Singh, the then Officer-in-Charge and ASI Dharampal Police Station, Ghosi. On investigation, the Police submitted Final Form then protest petition filed by the complainant/O.P. No.2 was treated as Complaint in which, on inquiry, two F.I.R. named persons and two others including the petitioner were summoned.

Learned counsel for the petitioner submits that at the time of institution of Ghoshi P.S. Case No. 115 of 2011 by one Kapil Mochi against six persons, including the complainant/O.P. No.2, the petitioner was Superintendent of Police, Jehanabad and he had supervised the case in which, complainant/O.P. No.2 and others were acquitted on trial. Further submission is that on making complaint by the complainant/O.P. No.2 before Human Right Commission, the Human Right Commission hold guilty in lodging the false case to the then Officer-in-Charge, Ghoshi and the I.O of the case. Thereafter, Ghoshi P.S. Case No. 162 of 2014 was instituted against two Police Officers in which Final Form was submitted, but the protest petition of complainant/O.P. No.2 was treated as Complaint Case No. 910 of 2015 in which the petitioner being the Superintendent of Police, Jehanabad at that time was also



made accused and he has also been summoned on enquiry. Further submission is that, in fact, petitioner being the S.P. of Jehanabad, at the time of investigation of Ghosi P.S. Case No. 115 of 2011, only supervised the case in discharging of his official duty, but, he has been also summoned without previous sanction of State Government as required under Section 197 of the Cr.P.C. Further submission is that the petitioner has retired from the post of D.I.G. on 31.07.2017.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 910 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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