

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.233 of 2017

Arising Out of PS. Case No.-488 Year-2016 Thana- BEGUSARAI TOWN District- Begusarai

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1. Abhinav, son of Sri Sushant Kumar Singh, resident of village Harrakh, Ward no.12, P.S.-Town, District-Begusarai.
 2. Pushkal Kumar, son of late Tunna Rai @ Ripunjay Kumar, resident of village-Rampur, P.S.-Bakhari, District-Begusarai.
 3. Gulsan Kumar, son of Sri Sudhir Prasad Singh, resident of village-Pahsara, P.S.-Naokothi, District-Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar Represented Through The Principal Secretary home, Department Of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Division, Darbhanga.
4. The Senior Superintendent of Police, Begusarai.
5. The Station House Officer, Begusarai Town Police Station, District-Begusarai.
6. The Investigating Officer-cum-S.H.O., Town Police Station, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar, Adv.
For the Respondent/s : Mr.Md. Harun Quareshi, AC to SC-1.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-07-2022 This writ application has been preferred for quashing of the First Information Report being Begusarai Town P.S. Case No.488 of 2016 registered under Sections 143, 148, 448, 452 and 511 of the Indian Penal Code.

It is the contention of the petitioners in the writ application that this case has been lodged by the District Police with a view to harass and pressurize the petitioners and their family members not to pursue Begusarai Town P.S. Case No.337 of 2016 dated 22.07.2016 registered under Sections 302



and 120(B)/34 of the Indian Penal Code against the Deputy Superintendent of Police, Bakhari along with other co-accused for killing of the father of the petitioner no.3.

When the writ application was taken up for consideration as back as on 16.01.2019, a prayer was made on behalf of the petitioners to adjourn the matter to enable them to file a supplementary affidavit annexing copy of the entire order sheet of the court of learned Magistrate in Begusarai Town P.S. Case No.488 of 2016. No supplementary affidavit was, however, filed as per office report.

Again when the matter was taken up after a considerable period on 05.07.2022, learned counsel for the petitioners sought adjournment to enable him to file an amendment petition. This Court granted time and directed to post the matter today. Today when the matter is called out, learned counsel for the petitioner submits that he could not contact the petitioners, therefore, no step could be taken for filing of the amendment petition. No plausible reason has been given to this Court as to why and under what circumstances the petitioners could not be contacted.

Be that as it may, this Court finds that pursuant to the FIR which has been questioned in this case the investigation had



proceeded and in course of investigation since the allegations were found true police has submitted a charge-sheet. The case has already proceeded. Even before filing of the present writ application the charge-sheet had already been filed but in the writ application neither the charge-sheet nor the subsequent order, if any, passed by the learned court below initiating the proceeding against the petitioners have been challenged in the writ application. This case has remained pending for more than five years without any result solely due to adjournments taken by the petitioners on one ground or another, but those were not availed.

In the circumstances, this Court finds no reason to keep the writ application pending any more. It is being disposed of with liberty to the petitioners to avail their remedy, if any, available to them against any further cause of action in accordance with law.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

