

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.207 of 2018

Arising Out of PS. Case No.-495 Year-2017 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Shyam Narayan Thakur S/o Late Lakshmikant Thakur, resident of Mohan
Bari Eghu, Ward No- 41, P.S. Begusarai Muffasil, District- Begusarai.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Home Secretary, Government of Bihar at Patna.
3. The Director General of Police, Bihar at Patna.
4. Th Inspector General of Police Bhagalpur Zone, Begusarai.
5. The Deputy Inspector General of Police Munger, Begusarai Zone.
6. The Superintendent of Police, Begusarai, Dist.- Begusarai.
7. The Officer in Charge, Begusarai Mufasil Police Station, Dist.- Begusarai.
8. Sri Imtiyaz Jhankar, S/o Not known, the investigating Officer Begusarai
Mufasil Police Station Case No. 495/17, Dist.- Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the State : Mr.Md.N.H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-12-2022 Heard Mr. Vijay Kumar, learned counsel for the

petitioner and Mr. N.H. Khan, learned SC-1 for the State.

A prayer for adjournment has been made on behalf of

the petitioner.

This Court finds that it is a case of the year 2018 and

the reliefs prayed by the petitioner have already been taken care
of by the official respondents. This Court, therefore, refuses to
grant adjournment on mere asking.

Mr. N. H. Khan, learned counsel for State has placed



before this Court the statements made in Paragraph '10' of the counter affidavit which reads as under:-

“10. That from the investigation done till now the case has been found true u/s - 302/34 of the I.P.C. and 27 of the Arms Act against the F.I.R. named accused Vikas Kumar, Madhusudan Kumar, Ajeet Kumar and Rajeev Kumar. During investigation, the accused Ajeet Kumar was arrested and remanded in judicial custody meanwhile the accused Rajeev Kumar and Madhusudan Kumar have surrendered before the Court below. Thereafter charge sheet has been submitted against the accused Ajeet Kumar, Rajeev Kumar and Madhusudan Kumar u/s 302/34 of the I.P.C. and 27 of the Arms Act vide chargesheet no. 15/2018, dated 23.01.2018. At present the case is under investigation.”

The prayer of the petitioner in this writ application is to direct the official respondents to take legal action against the accused persons of Begusarai Mufasil P.S. Case no. 495/2017 and to provide protection to the petitioner and his family members.

From the statements made in Paragraph '10' of the counter affidavit, it is evident that after investigation, police has submitted a chargesheet against accused Rajeev Kumar, Ajeet



Kumar and Madhusudan Kumar under Section 302/34 I.P.C. and they have already surrendered in the court below. A counter affidavit shows that at present the case is under investigation, if it is so, it is high time to remind the Superintendent of Police, Begusarai to complete the investigation of the case as early as possible and in any case not later than four months from the date of the receipt/production of a copy of this order. The Superintendent of Police, Begusarai (Respondent no. 6) shall ensure filing of police report in the court below within the aforesaid period.

As regards the prayer for protection, in case the petitioner or his family members are witnesses to the case, they would be entitled to get protection under the Witness Protection Scheme of the government. The I.O. of the case shall inform the petitioner in this regard and obtain necessary application from him which will be considered by the committee headed by the District Judge, Begusarai and an appropriate decision thereon shall be taken.

Apart from that the Superintendent of Police, Begusarai and the competent court within whose jurisdiction the case is pending are obliged to look into the grievance of the petitioner, if any, in terms of the order dated 09.09.2022 passed



by this Court in Cr.W.J.C. No. 153 of 2017 (**Surendra Singh Vs. The State of Bihar & Ors.**) and other analogous cases to ensure proper investigation, arrest of the accused and completion of the investigation respectively.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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