

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.128 of 2021

Arising Out of PS. Case No.-688 Year-2019 Thana- MAHUA District- Vaishali

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BASKIT SINGH Son of Late Tapeswar Singh Resident of Village -
Madhopur, P.S.- Mahua, Distt - Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Patna, Bihar
2. The Principal Secretary Home Department, Patna, Bihar.
3. The District Magistrate, Vaishali at Hajipur.
4. The S.P. Vaishali at Hajipur.
5. The S.H.O., Mahua, Vaishali at Hajipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is the father of an accused namely, Vikash
Kumar @ Balaji in Mahua P.S. Case No. 688/2019 and Mahua
P.S. Case No. 429/2019.

By filing this writ application, the petitioner is
seeking a direction to the concerned respondents (not impleaded
as party in the writ application) to take action against the
respondents who are the Principal Secretary, Department of
Home, the District Magistrate, Vaishali, Superintendent of
Police, Vaishali and the S.H.O. of Mahua Police Station.

It is alleged that the S.H.O. of the said police station is



in the habit to lodge the F.I.R. on the basis of false and concocted story for collection of money. The petitioner claims that the son of the petitioner has been falsely made accused showing recovery of huge quantity of foreign liquor from the Scorpio and Maruti Alto Car. It is stated that the Alto Care was standing at the door of the petitioner and on false allegation the accused persons namely, Bachhu Kumar and Rakesh Kumar who are staff of the petitioner have been caught. It is his submission that the two cases have been lodged at an interval of four months.

Learned counsel for the petitioner does not deny that both the cases are still pending and the trial is yet to be concluded.

Learned counsel for the State has rightly submitted that it is a kind of misconceived application. The son of the petitioner is facing trial and there is no finding of the learned trial court that there is no evidence against the son of the petitioner or that it is a case of false implication of his son.

This court finds on perusal of the records that there is no foundation of fact in the writ application which may be taken as a clinching material to take a view that it is a case of false implication of the son of the petitioner. Moreover, the trial is



still pending. In such circumstances, it is a wholly misconceived application and is dismissed accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

