

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.52 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- TEYAR District- Bhojpur

Vivek Kumar @ Lal Bahadur Ram Son Of Late Dhanu Ram Resident Of
Village- Rangrua, Ward No. -12, P.S.- Tiyar, District- Bhojpur.

... .. Petitioner

Versus

1. The State Of Bihar Through The Home Secretary, Govt. Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna.
3. Inspector General Of Police, Patna Range, Patna
4. Deputy Inspector General Of Police, Dehri-On-Sone, Rohtas.
5. The Superintendent Of Police, Bhojpur At Ara
6. The Deputy Superintendent Of Police, Jagdishpur, District- Bhojpur At Ara.
7. The Officer-In-Charge, Tiyar Police Station, District- Bhojpur At Ara
8. Manoranjan Singh Son Of Late Lallan Singh Resident Of Village- Rangrua,
P.S.- Tiyar, District- Bhojpur At Ara.
9. Shivji Singh Son Of Late Lallan Singh Resident Of Village- Rangrua, P.S.-
Tiyar, District- Bhojpur At Ara.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG
		Mr. Nadim Seraj, GP 5
		Mr. Iqbal Asif Niazi, AC to GP 5
		Mr. H.S. Himkar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-08-2022 Pursuant to the last order dated 08.08.2022, the Superintendent of Police, Ara has filed a show cause. He has also filed an interlocutory application being I.A. No. 1 of 2022 for recall of the order imposing cost of Rs.10,000/- for not filing the counter affidavit.

In his show cause, the Superintendent of Police has submitted that he took over the charge of the Office of Bhojpur at Ara in the month of May 2022 only. In order to comply with



the order of this Court passed on 22.07.2022, he called upon the SHO of Tiyar Police Station and the Incharge of General Section to verify the correctness and genuineness of the assertion made by the writ petitioner in the writ petition and to make available the statements of facts.

It is further stated that he also sent reminder for the same. Later on, the report was submitted to him saying that in both the cases i.e. Tiyar Police Station 75 of 2017 and Tiyar P.S. Case No. 72 of 2019, chargesheets have already been submitted and the accused persons are presently on bail.

As regards non-filing of the counter affidavit, he has submitted that the statement of facts was sent to learned GP 5 on 08.08.2022 at 10:00 A.M. and due to paucity of time the counter affidavit could not be filed.

Mr. Sanjay Kumar Singh, the Superintendent of Police, Ara is present in person.

This Court has heard Mr. Lalit Kishore, learned Advocate General assisted by Mr. Nadim Seraj, learned GP 5 for the State.

Mr. Gajendra Kumar Singh, learned counsel for the petitioner does not dispute that chargesheet has already been filed in this case.



Considering that in this case, the investigation is complete and way back in the year 2020 chargesheets have already been filed, this Court finds no reason to proceed further with the matter. In fact, the writ application seems to have become infructuous.

In the totality of the circumstances, this Court is of the considered opinion that the cost imposed for non-filing of the counter affidavit vide order dated 08.08.2022 is fit to be recalled.

This Court accordingly recalls the order imposing cost for non-filing of the counter affidavit.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

