

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.598 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- NAUTAN District- Siwan

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Dhirendra Kumar S/o Sri Kameshwar Tiwari R/o Village Pipra, P.S. Nautan,
District - Siwan.

... .. Petitioner

Versus

1. The State Of Bihar Through, Director General Of Police, Jawaharlal Nehru Marag Ranbanshi Nagar Patna.
2. The Director General of Police jawaharlal Nehru Marag, Rajbanshi Nagar Patna.
3. The DIG Saran
4. The District Magistrate Siwan
5. The Superintendent of Police Siwan
6. The SHO of Nautan Police Station
7. Mr. Arvind Kumar, SHO of Nautan Police Station, District Siwan.
8. Mr. Rakesh Kumar SI of Nautan Police Station, District - Siwan.
9. Mr. Vinod Kumar SI of Nautan Police Station, District - Siwan.
10. Nirbhay Kumar Tiwari @ Ramu Tiwari S/o Janardan Tiwari R/o Village Pipra, P.O and P.S. Nautan, District - Siwan.
11. Prashant Kumar Tiwari S/o Abhay Kumar Tiwary R/o Village Pipra, P.S. Nautan, District - Siwan.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Dhirendra Kumar, In Person
		Mr. Chandra Kant, Advocate
For the State	:	Mr. Anil Kumar, AC to SC-8
For Resp. Nos. 7 to 9	:	Mr. Ranjeet Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 20-10-2022 Petitioner in the present case is seeking a direction to the Criminal Investigation Department (CID) to take over the charge of investigation of Nautan P.S. Case No. 100 of 2022 dated 09.05.2022 lodged by this petitioner.

It is alleged that the petitioner and his two brothers were unlawfully detained by Respondent Nos. 6 to 8 in Nautan



police station on 08.05.2022 at 9:45 am to 09.05.2022 at 4 pm. It is his submission that the petitioner being a practicing lawyer of this Court has been subjected to harassment by S.I. Rakesh Kumar (Respondent No. 8) and Vijay Singh (Respondent No. 9).

Earlier, this Court had noticed respondent nos. 7, 8 and 9 who have appeared through Mr. Ranjit Kumar Singh, learned Advocate.

By order of this Court passed on 23.08.2022, the Superintendent of Police, Siwan was called upon to file his counter affidavit based on what he got from the footage of CCTV. The CCTV footage of the police station and the Hazat were preserved and have been submitted in a pen-drive but the counter affidavit does not speak anything about what has been gathered. The S.P., Siwan was supposed to go through the CCTV footage and what transpired therein was required to be brought to the notice of this Court.

Be that as it may, at this stage learned counsel for the State as well as the respondent nos. 7,8 and 9 agree that in the given kind of dispute wherein even the members of the investigating agency are being subjected to allegations, it would be just and proper if the investigation of the case is handled by the



Criminal Investigation Department (CID) through some other officers who are not involved in the present case and a report upon investigation be submitted in the learned court below within a reasonable time.

In the aforesaid view of the matter, this writ application is being disposed of with a direction to the Additional Director General of Police, CID to take the investigation of this case through some independent police officers and conduct proper investigation of not only Nautan P.S. Case No. 100 of 2022 but also the investigation into the case of petitioner that he was unlawfully detained in the police station. Upon conduct of investigation, a proper report be submitted in the learned court below preferably within a period of six months from the date of communication of this order.

It is made clear that in course of investigation, all aspects of the matter shall be looked into.

(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'.

