

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.326 of 2017

Arising Out of PS. Case No.-4 Year-2015 Thana- RAIYAM District- Darbhanga

Md. Fahim, S/o Late Abdul Alim, Resident of Village- Babu Salimpur, P.S.- Raiyam, District- Darbhanga.

... .. Petitioner

Versus

1. The State Of Bihar Through District Magistrate, Darbhanga
2. The Senior Superintendent of Police, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The Sub-Divisional Officer, Sadar, Darbhanga.
5. The Officer-in-Charge, Raiyam P.S., Darbhanga.
6. Raiyaz E Sadique S/o Ajaj E Sadique.
7. Mumtaz Sadique W/o Ajaj Sadique.
8. Neyaz A Sadique S/o Ajaj E Sadique. Respondent No. 6 to 8 are Resident of Village- Babu Salimpur, P.S.- Raiyam, District- Darbhanga.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha, Advocate
For the Respondent/s	:	Mr.Harswardhan Singh Sundram, A.C.to S.C-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioner and learned counsel for the State.

It appears that during pendency of the writ application, the Investigating Agency has submitted a final form but differing with the Police report the learned Magistrate took cognizance of the offence and issued summon to the accused persons for appearance.

It is the grievance of the petitioner that till date the accused persons have not appeared in the learned court below and the warrant of arrest issued against them by the learned court below are not being executed by the Officer-in-charge of Raiyam Police



Station, Darbhanga.

Learned counsel for the State submits that if the matter is pending before the learned jurisdictional Magistrate, the learned Magistrate is competent enough to take appropriate action against the erring Police Officer who is not executing the warrant of arrest.

This writ application is, thus, being disposed of with an observation that in case the warrant of arrest has been issued by the learned jurisdictional Magistrate and the same is not being executed by the Officer-in-charge of the Police Station, the learned Magistrate shall proceed to take appropriate action against the erring Police Officers after calling upon the Senior Superintendent of Police, Darbhanga to ensure within a time frame that the warrant of arrest issued by the court is duly executed.

It will be open for the petitioner to seek any other and further remedy against non-execution of the warrant.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

