

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.921 of 2022

Arising Out of PS. Case No.-812 Year-2019 Thana- JAHANABAD District- Jehanabad

Md. Saifullah Shamsi Son of Late Shah Abdus Salam @ Jully Miyan Resi-
dent of Village- New Mohalla, P.S.- Jehanabad, Distt.- Jehanabad, Bihar.
... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The State of Bihar through the Principal secretary Deptt. of Home (Police), Govt. of Bihar, Patna.
3. The Distt. Magistrate cum Collector, Jehanabad, Bihar.
4. The Superintendent of Police, Distt.- Jehanabad, Bihar
5. The S.H.O. of Police Station , Jehanabad, Distt.- Jehanabad, Bihar
6. The Investigating Officer of Jehanabad P.S Case No. 812/2019, Jehanabad P.s, Distt.- Jehanabad,Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioner shall remove all the

SR defect(s) within three weeks from today.

Heard learned counsel for the petitioner and Mr. Anil
Kumar, learned AC to SC-8 for the State.

Petitioner in the present case is seeking a direction to

the respondent authorities to conduct a proper investigation of
Jehanabad P.S. Case No. 812 of 2019. It is the case of the peti-
tioner that initially, the FIR was lodged under various provisions
of the IPC against 65 named accused persons and about 500 un-
named accused persons. One of the accused persons is said to be



one Saif Fidahussain.

Learned counsel further submits that after passing of a judicial order dated 07.03.2022 by a learned co-ordinate Bench of this Court in Criminal Misc. No. 26089 of 2021, the respondent no. 4 took statement of one Mussarat Parveen (Ward Parshad of ward no. 13 of Jehanabad). The said Ward Parshad is said to have stated that she knows Saif and that Saif is one of the sons of Jully Mian. On the strength of this statement, the I.O. implicated this petitioner.

The grievance of the petitioner is that no attempt was taken by the I.O. to verify the identity of the petitioner at this stage. The I.O. is said to have obtained process under Section 82 Cr.P.C. under that coercion the petitioner surrendered and presently he is on bail.

Learned counsel submits that the same Ward Parshad has issued certificate and has also sworn affidavit that the I.O. has misused her statement and that she does not know any person named Saif. Learned counsel submits that he is looking for intervention of some senior police officers/supervising authorities who may get verified the identity of the petitioner and the witnesses and only thereupon a proper view as to implication of the petitioner may be taken.



Learned counsel for the State submits that in such circumstance, appropriate direction may be issued to the Superintendent of Police, Jehanabad.

Having regard to the facts and circumstances, the submissions noted hereinabove and the materials available on the record, this Court is of the considered opinion that the grievance of the petitioner is required to be redressed in order to instill confidence in the investigation. The Superintendent of Police, Jehanabad (Respondent No. 4) is, therefore, directed to look into the grievance of the petitioner, examine the same, supervise the case himself and take an appropriate view based on the cogent materials with regard to the accusation against the petitioner. Let the entire exercise be completed within a period of three months from the date of communication of this order.

This writ application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(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'.

