

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1050 of 2021

Arising Out of PS. Case No.-320 Year-2015 Thana- NOORSARAI District- Nalanda

Shiv Narayan Prasad, S/o Late Murlidhar Mahto @ Maulavi Mahto, R/o
village- Daruara, P.S.- Noorsarai, District- Nalanda

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar, Patna.
2. The Superintendent of Police, Nalanda.
3. The Sub-Divisional Police Officer, Nalanda.
4. The S.H.O. Noorsarai Police Station, Nalanda.
5. The S.H.O. Pirbahore Police Station, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.
For the Respondent/s : Mr. Manoj Kumar, AC to GP-4.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the office.

Learned counsel for the petitioner submits that
fardbeyan of Kumari Prabha, daughter of Shiv Narayan Prasad
was recorded at P.M.C.H. on 21.11.2015 and the same was sent
to the S.H.O., Noorsarai Police Station, Nalanda by Pirbahore
Police Station but the same has not been acted upon till date.

Learned counsel for the State submits that with regard
to the alleged occurrence Noorsarai P.S. Case No. 320 of 2015
was lodged in which the petitioner is the informant. The F.I.R.
was registered on the same date of occurrence. This case has



been investigated and a chargesheet bearing no. 60 of 2016 dated 25.04.2016 has already been filed in the learned court below.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that this writ application is not fit to proceed. It is not in dispute that with regard to the alleged occurrence one F.I.R. was lodged by this petitioner which has already been investigated. The petitioner has moved this Court after seven years for a direction which if issued would only amount to multiplying the F.I.R. with regard to the same allegations which have already been investigated and chargesheet having been filed.

This Court is not inclined to exercise discretion under Article 226 of the Constitution of India.

This application is dismissed.

Certified copy of the order will 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'.

