

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1087 of 2019

Arising Out of PS. Case No.-705 Year-2017 Thana- PHULWARISHARIF District- Patna

Krishna Prasad, Son of Shiv Nandan Prasad Resident of Village - Ram Chandrapur, P.S.- Laheri, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Inspector General of Police Central Zone, Patna. Bihar
3. The Superintendent of Police, District - Patna, Bihar. Bihar
4. The officer In-Charge of Phulwari Sharif Police Station District - Patna. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Respondent/s : Mr.Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 28-07-2022 Perused the records received from the learned court below. In the margin portion of the order dated 20.04.2018 passed by the learned A.C.J.M.-XV an endorsement has been made saying “letter issued letter no.-312 dated 01.10.2018”, but learned counsel for the petitioner and learned counsel for the State have informed this Court that despite there hectic search throughout the records they could not lay their hand over the copy of the letter no.312 dated 01.10.2018 in the records.

In the aforesaid view of the matter, this Court cannot reach to any conclusion with regard to communication of the said letter to the I.O.

This writ application is being disposed of with a



direction to the District Judge, Patna to conduct an enquiry as to the actual dispatch of the letter no.312 dated 01.10.2018 and in case it is found that the said letter is not available or the proof of the dispatch is not present, responsibility be fixed for the same.

Learned counsel for the petitioner has informed that over four years of the period the vehicle has been badly damaged and it is required to be lifted by a crane. It has virtually been damaged to such an extent that it is difficult to use the vehicle as it is and it will require huge expenses. He alleges that this condition of the vehicle has happened only because of the inaction on the part of the police.

Learned counsel for the State has though denied the allegation, but in the given facts and circumstance, this Court deems it just and proper to grant liberty to the petitioner that in case, if so advised, he may take appropriate steps to claim damages/compensation, as the case may be, in accordance with law. All contentions are left open.

Let the lower court records be sent back immediately.

(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'.

