

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1184 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- CHHATAPUR District- Supaul

Satendra Paswan @ Satyendra Paswan, Son of - Late Sattan Paswan, Resident of Village - Dahariya, Ward No. 06, P.S. - Chhatapur, District - Supaul, State - Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through The Director General Of Police, Govt. Of Bihar, Patna.
2. The Deputy Inspector General of Police, Koshi Division, Saharsa.
3. The Superintendent of Police, Supaul.
4. The Sub Divisional Police officer, Triveniganj.
5. The Station House officer of Chhatapur Police Station , District - Supaul.
6. The Investigating officer of Chhatapur Police Station Case No. -19/2021.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate.

For the Respondent/s : Mr.Saroj Kumar Sharma, A.C. to AAG-3.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner and Mr. Saroj Kumar Sharma, learned A.C. to A.A.G.-3 for the State.

In the present writ application, the petitioner is praying for the following reliefs:

- “(a) For Issuance of an appropriate writ/writs, order/orders, direction/directions specially in the nature of **Mandamus** and directing to any **other investigating agency** to properly investigate in the matter of Chhatapur P.S.- Case no. 19/2021.
- (b) For issuance of an appropriate writ/writs, directions/directions upon the respondent authorities specially the respondent no.-3 to properly investigate in the matter of Chhatapur Police Station case No. 19/2021.
- (c) For issuance of an appropriate writ/writs, directions/



directions commanding to the respondent authorities to take appropriate steps to arrest the accused persons for appearing them before the learned court below for starting judicial proceeding in the matter of Chhatapur p.s. case no.- 19/2021, registered on 17/10/2021 u/s -302 of the Indian Penal Code and u/s -3 (1)(x) of Schedule caste and Schedule tribe Act.

- (d) For any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

Learned counsel for the State submits that in this case investigation has been done and several memos have been issued to the I.Os. in furtherance of the representations of the petitioner. The Dy.S.P., Triveniganj has submitted a report that the accused persons named in Triveniganj P.S. case No. 19 of 2021 have been found innocent in course of fair investigation as all of them have been falsely implicated due to land dispute between the parties.

He has further submitted the death of father of the petitioner happened due to road side accident which took place on the date of occurrence, hence the case has been found true against unknown vehicle driver.

From the counter affidavit however does not appear that police report in terms of Section 173 Cr.P.C. has already been submitted. The counter affidavit goes only to the extent that direction was given to the investigating officer to submit final form against the named accused persons.



This Court, therefore, directs the Superintendent of Police, Supaul (respondent no. 3) to ensure filing of the police report in the learned court below as early as possible, if not already filed. Once the police report is filed, it will be open for the petitioner to seek his remedy in accordance with law.

This application stands disposed of accordingly.

Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

