

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1329 of 2021

Arising Out of PS. Case No.-233 Year-2021 Thana- BAKHARI District- Begusarai

Parmanand Sada S/o Ram Chandra Sada Resident of Ward No. 15, Akaha,
P.S. Bakhari, Gamharia, Begusarai, Bihar- 848201.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Deptt. Of Home, Patna Bihar
2. The Director General of Police, Govt. of Bihar, Patna. Bihar
3. The D.I.G. of Police, Begusarai Range, Begusarai. Bihar
4. The Superintendent of Police, Begusarai, District - Begusarai. Bihar
5. The Dy. Superintendent of Police, Bakhari, District - Begusarai. Bihar
6. The Circle Inspector of Police, Bakhari, District - Begusarai. Bihar
7. The officer In Charge of Police, Bakhari Police Station, Begusarai. Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. P NR. Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 02-09-2022 This application has been taken up online through
video conference.

Following are the reliefs which the petitioner is
seeking:-

“(i) For issuance of a writ of Habeas corpus



commanding the respondents to produce Mr. Satya Narain Sada aged about 35 years, S/o Ram Chandra Sada, resident of Village Akaha, P.O. Gamharia, P.S. Bakhari, District Begusarai, Who is traceless since 21.08.2021 before this Hon'ble Court.

(ii) For issuance of a writ in the nature of writ of mandamus directing the respondents to make proper, fair and impartial investigation in connection with Bakhari P.S. Case No. 233/21 instituted U/Ss364/34 of I.P.C. and Sec. 3(i)(va) of SC/ST (POA) Act on 23.08.2021.

(iii) For issuance of any other writ or writs or for passing any other order or orders in the facts and circumstances of this case as Your Lordships may deem fit and proper.”

In our view, this writ application seeking issuance of writ in the nature of writ of *Habeas Corpus* is not maintainable in the absence of any pleading that any person is in illegal detention of any authority or any private person.

The petitioner has already filed a First Information Report. It is his grievance that the police officials are not investigating the case properly. It will be open for the petitioner to pursue his remedy either before the Court below or the higher authority in respect of criminal case which is pending.

This writ application filed under Article 226 of the Constitution of India before this Court is misconceived and is not maintainable.



This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Khatim Reza, J)

K.K.RAO/-

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