

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1348 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- DUMRAO District- Buxar

VINOD KUMAR Son of Gopal Prasad Resident of Village - Thakur Kumhar
Ki Gali, Ward No.06, Dumraon, P.S.- Dumraon, Distt.- Buxar.

... .. Petitioner

Versus

1. The State of Bihar the Principal Secretary, Department of Home, Govt. of Bihar, Patna. .
2. The Director General of Police, Govt. of Bihar, Patna.
3. The District Magistrate, Buxar,
4. The Superintendent of Police, Buxar.
5. The Sub - Divisional Police Officer, Dumraon, Dist.- Buxar.
6. The Station House Officer cum inspcetor of Police Dumraon P.S., Distt. - Buxar.
7. The Investigating Officer, Dumraon P.S. Case no.228/2020 dated 29/06/2020, Dumraon P.S., Distt.- Buxar, .

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Madhu Prasun, Advocate.
	:	Mr. Vivek Kumar Sinha, Advocate.
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-09-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

The petitioner, in the present case, is seeking the following reliefs:-

“(i) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the Respondents to ensure speedy, proper and efficient investigation of Dumraon P.S. Case No. - 228/2020 dated 29/06/2020 registered under Sections – 147/ 341/ 323/ 504/ 506 of the Indian Penal Code in scientific and professional manner, which has not been done by the Respondent



No. - 7 i.e. the Investigating Officer of the aforesaid case in collusion with the culprits in order to save them from the legal consequences for illegal gains causing serious injustice to the Petitioner, who is a Social and Right to Information Activist selflessly working in wider public interest against corruption in public instrumentalities of the state and for transparency in governance and administration.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the Respondents to fix appropriate and adequate civil/ criminal liabilities on the Respondent No. - 7 i.e. the Investigating Officer of the aforesaid case for his collusion with the culprits as he absurdly and mechanically concluded the investigation submitting Final Form No. - 136/21 dated 10/04/2021 stating therein that the incident was true but there is no evidence although in collusion with the culprits he didn't collect the CCTV footage in time from the office of Nagar Parishad, Dumraon (Buxar) and made requisition for the same after about two months of the incident, whereby it was replied that for so much of time the footage could not be preserved, which fact clearly shows the collusion, inefficiency and criminal irresponsibility of the Respondent No. - 7 and for further order/orders, direction/directions to the Respondents to take all necessary legal actions against the culprits and conspirators of Dumraon P.S. Case No. - 228/2020 after identifying them by proper investigation.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the Respondents to ensure proper security to the Right to Information Activist and take proper action against such officials/ authorities in compliance of सचिका संख्या - 21 / सू.अ. - 2020 सा.प्र. 11572 / Patna dated 07/12/2020 of the General Administration Department, Govt. of Bihar, who are instrumental in torturing such activists and making attempt to defeat the very purpose and objectives of the Right to Information Act.

(iv) For any other relief/reliefs for which the Petitioner is entitled under law.”

A perusal of the writ application would show that the petitioner claims himself a Social and Right to Information



Activist working in wider public interest against corruption in public instrumentalities of the State and for transparency in governance and administration. It is stated that he is the informant of Dumraon P.S. Case No. 228/2020 for the offence alleged under Section 147/341/323/504/506 of the Indian Penal Code against unknown. The petitioner runs a shop of DTDC courier in the Nagar Parishad and alleges that some persons came to the shop and started assaulting him saying that he writes many RTIs and has become daring.

The grievance of the petitioner is that the case lodged by him was not duly investigated and as a result thereof a final form has been submitted. The main grievance of the petitioner is that the I.O. has not collected the CCTV footage which would have an important piece of evidence. A copy of final form has been enclosed as Annexure '10' to the writ application.

Learned counsel for the petitioner admits that the informant has not filed any protest petition in the learned court below. He has not filed any application either before the police authorities or in the learned court below seeking further investigation of the case.

Mr. Saroj Kumar Sharma, learned AC to AAG-III submits that the petitioner has acted in haste in filing of the



present writ application. He has his remedy available in the regular court under the Code of Criminal Procedure.

This Court agrees with the submission of learned AC to AAG-III. The petitioner may apply for proper remedy as may be advised to him, if he is aggrieved by the submission of final form.

This Writ application cannot be entertained in the kind of reliefs prayed in the writ application. This application stands disposed of, accordingly.

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

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

