

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1300 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Munger

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Jawahar Yadav, Son of Late Ganga Yadav, aged about 67 years,
Male, Resident of village- Bihari Marar, Tikarampur, P.S-
Muffasil, District- Munger, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary of Home
Department, Govt. of Bihar, Patna.
2. The Deputy Inspector General, Munger.
3. The Superintendent of Police- Munger, District- Munger.
4. The Dy. Superintendent of Police, Munger, District- Munger.
5. The SHO, Muffasil Police Station, Munger, District- Munger.
6. The District Magistrate, Munger, Bihar.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Suman Kumar Mishra, Advocate
For the Respondents	:	Mr. Lalit Kishore (A.G)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 01-12-2022 Heard learned counsel for the petitioner and

learned counsel for the respondents.

The following relief has been sought for on behalf

of the petitioner in the present criminal writ application.



“For issuance of a writ/writs, in the nature of Habeas Corpus as to find out the son of the petitioner, namely, Rajiv Yadav, who is traceless or in wrongful confinement since 06.09.2022 from Tikarampur Village under the Muffasil Police Station, Munger.”

The facts which lead to filing of the present criminal writ application is that the son of the petitioner, namely, Rajiv Yadav, is missing since 06.09.2022. The petitioner made attempts to search for his son but he could not find him. Thereafter, the petitioner gave a written application to the Superintendent of Police, Munger. Thereafter, the petitioner also represented before the District Magistrate, Munger, regarding his grievance. At last, the petitioner filed a Complaint Case No. 991C/2022 before the learned Chief Judicial Magistrate, Munger, under Section 156 (3) of Cr. P.C. for lodging an F.I.R.

It has been submitted on behalf of the petitioner that the petitioner has filed an application before the Superintendent of Police, Munger, on 13.09.2022, annexed as Annexure-1 to the present application, bringing to the notice of the Superintendent of Police, Munger, regarding missing of his son, namely, Rajiv Yadav. Thereafter, the



petitioner had filed a Complaint Case No. 991C/2022 before the learned Chief Judicial Magistrate, Munger and subsequently, an F.I.R. was instituted under Section 156(3) of Cr. P.C. It has further been submitted on behalf of the petitioner that a petition was also filed before the District Magistrate, Munger, annexed as Annexure-2 to the present application, for redressal of his grievance.

Learned counsel for the State has submitted that F.I.R. has already been lodged regarding missing of the son of the petitioner and investigation is going on.

Considering the aforesaid facts, since F.I.R. has already been instituted regarding missing of the son, of the petitioner, namely, Rajiv Yadav, the Superintendent of Police, Munger, is directed to take all necessary steps to ensure proper investigation of the case and submit a police report under Section 173 Cr.P.C. at the earliest.

The District Magistrate, Munger, is also directed to take all necessary action upon the application filed on behalf of the petitioner before him which is Annexure-2 to the present application. The District Magistrate, Munger, is further directed to treat the said application (Annexure-2) to



be an application under Section 97 of Cr.P.C. and pass an appropriate order in accordance with law, within a reasonable period of time.

With the aforesaid observations and directions, the present criminal writ application stands disposed of.

(Sudhir Singh, J)

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(Shailendra Singh, J)

