

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1381 of 2021

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

Pinku Kumar, Son of Late Bhagwan Prasad, Resident of Chhapra Colony,
New Jakkanpur, Police Station - Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary Deptt. Of Home Govt. Of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Patna Sadar, Patna.
5. The Station House officer- cum- Inspector of Police, Jakkanpur Police Station, District - Patna.
6. The Sanjit Kumar, Sub- Inspector of Police, Presently posted at Jakkanpur Police Station, District Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha, Advocate
For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Heard learned counsel for the petitioner and learned counsel for the State.

By filing this writ application the petitioner is praying for a direction to the Senior Superintendent of Police, Patna to look into his application filed under Section 154(3) Cr.P.C.

A counter affidavit has been filed on behalf of the



State wherein a plea has been taken citing the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu v. State of U.P. & Ors.** reported in **AIR 2008 SC 907** that it is open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Magistrate concerned. If such application is filed before the Magistrate, the Magistrate may direct the F.I.R. to be registered and also can direct a proper investigation be made. In a case where, according to the aggrieved person, no proper investigation has been made.

In the given facts and circumstances and the law laid down by the Hon'ble Supreme Court, learned counsel for the petitioner submits that he would seek his remedy in accordance with law.

This application is, thus, disposed of giving liberty to the petitioner to apply for appropriate remedy.

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

(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'.

