

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.89 of 2017**

Arising Out of PS. Case No.-333 Year-2016 Thana- FATUA District- Patna

Janak Dev Singh, son of late Shyam Prare Singh, Resident of Mohalla-
Raipura Main Road, P.S. Fatuha, Distt. Patna.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Government of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Deputy Superintendent of Police, Patna City Division, Patna.
4. The Officer-in-Charge, Fatuha Police Station, District- Patna.
5. The Mritunjay Jha Sub Inspector , Fatuha, Police Station, Patna.

... .. Respondents

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-09-2022 The statements made in paragraph ‘16’ of the counter affidavit filed on behalf of the State respondent nos. 2 and 4 do not inspire confidence of this Court. One thing is admitted that the written complaint of this petitioner (Annexure ‘1’) was submitted in the police station on the same day. The allegation is that no F.I.R. was lodged on that basis and in order to save the Chowkidar Arjun Paswan, the son of the petitioner who had been arrested and was kept in Hazat in injured condition was compelled to put his signature on a blank paper. The said paper has been used by the Officer-in-Charge to prepare another F.I.R. (Annexure ‘3’). In order to strengthen his submission learned



counsel submits that the counter case lodged by one Ram Lailin Singh on 02.09.2016 itself was sent to the learned court below on 05.09.2016 whereas the F.I.R. lodged on the basis of the statements recorded on a plain paper under signature of the son of the petitioner was sent to the court below on 06.09.2016 i.e. one day later. It is submitted that all the family members of the petitioner had got serious injuries and they had been sent to Primary Health Centre, Fatuha for treatment and subsequently they were referred to Patna Medical College & Hospital, Patna for treatment.

It is further alleged that petitioner's son was kept in Thana Hazat and was released at 9:00 P.M. on 03.09.2016. This petitioner was admitted in PMCH at 12:45 A.M. on 03.09.2016 and the petitioner's son was also admitted in PMCH at 10:30 P.M. on 03.09.2016. The allegation is that the then Officer-in-Charge of Fatuha Police Station has acted arbitrarily to save the main accused Arun Paswan and Tinku Biswakarma who is the Chowkidar and Tinku Biswakarma is the blue eyed boy of the Officer-in-Charge.

It appears on perusal of the records that a notice was issued to respondent no. 5 vide order dated 08.08.2017 and the same has been duly received by him personally but he has not



entered appearance.

As stated above, paragraph '16' of the counter affidavit does not explain the allegations made in the writ application.

In the circumstances stated above, this Court directs the Senior Superintendent of Police, Patna to constitute an inquiry into this matter by a two members committee comprising of officers in the rank of Deputy Superintendent of Police. They will examine the allegations mentioned in the writ application and submit a report to the Senior Superintendent of Police, Patna within a period of four months from the date of communication of this order. Upon submission of the report the Senior Superintendent of Police shall pass an appropriate order. In case, petitioner finds himself aggrieved with the decision taken by the Senior Superintendent of Police, Patna it will be open for him to approach this Court in an appropriate application.

This application stands disposed of accordingly.

(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'.

