

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.50 of 2022

Arising Out of PS. Case No.-141 Year-2018 Thana- NIRMALI District- Supaul

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BHAWANI SHANKAR KALOIYA @ SHANKAR KALOIYA Son of Late
Gopi Chand Kaloiya Resident of Muhalla- Ward No. 10, Shitla Mata Gali,
P.S.- Nirmalli, Post- Nirmalli, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, General Administration Deptt., Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Inspector General of Police, Mithila and Koshi Range, Darbhanga.
5. The Superintendent of Police, Supaul.
6. The Deputy Superintendent of Police, Supaul
7. The Police Inspector, Nirmali Police Station
8. The Enquiry Officer, Nirmalli Police Station

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Satyendra Kumar Jha, Advocate Mr. Kumar Shubham, Advocate
For the Respondent/s	:	Mr. Iqbal Asif Niazi, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-10-2022 Heard Mr. Ramakant Sharma, learned Senior counsel

for the petitioner assisted by Mr. Satyendra Kumar Jha, learned

Advocate and Mr. Iqbal Asif Niazi, learned AC to GP-5 for the

State.

In this case, the petitioner has prayed for the
following reliefs:-

“(i) For issuance of an appropriate order, direction
or writ in the nature of MANDAMUS commanding
the concerned respondents to hold fresh



inquiry/investigation by Central Bureau of Investigation (C.B.I) in connection with Nirmali P.S. Case No. 141/2018 offence U/s 302/34 of the Indian Penal Code which is pending in the learned Court of Judicial Magistrate First Class, Birpur, (Supaul).

(ii) For issuance of an appropriate order, direction or Writ for direction to concerned authority to pass an appropriate order in the light of letter No. 245/35/2020, ADV – II, dated 19.11.2020 of the government of India (Annexure – 12) for fresh investigation in the above mentioned case through C.B.I so that the brutal murder of petitioner's deceased son Ganesh @ Sudhir Kumar Kaloiya can be investigated fairly and the guilty criminals can be arrested and sentenced to death in accordance with law.

(iii) For any other relief or reliefs for which petitioner may be found entitled in the facts and circumstances of the case.”

Mr. Sharma, learned Senior Counsel for the petitioner has brought to the notice of this Court that during pendency of this writ application, a charge-sheet was submitted in the learned court below showing that sufficient materials have been found to proceed against accused under Section 306 IPC but the learned Magistrate differed with the said report and took cognizance of the offence under Section 302 IPC.

Learned Senior Counsel, therefore, submits that for the present, the petitioner is not praying for any other direction



reserving his right to proceed in the case pending in the learned court below.

Learned counsel for the State has no objection to the same.

In the circumstances, this writ application is being disposed of having become infructuous with liberty to the petitioner to take appropriate steps in the learned trial court for speedy trial of the case.

(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'.

