

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.202 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- UCHKAGAON District- Gopalganj

ZIYADUDDIN AHMAD @ ZIYAUDDIN MIYAN Son of Late Amiruddin
Mian Resident of Village - Cinema Road, Ward No.17, Kaliasthan Road,
Gopalganj, P.s. and Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
(HOME) POLICE DEPARTMENT, BIHAR, PATNA Bihar
2. The Director General of Police, Bihar Patna. Bihar
3. The Inspector General of police, Muzaffarpur. Bihar
4. The Deputy Inspector General of Police, Saran at Chapra. Bihar
5. The Superintendent of Police, Gopalganj. Bihar
6. The Sub Divisional Police Officer, Hathua, Gopalganj. Bihar
7. The Officer in charge, Uchakagaon Police Station, Gopalganj. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate.
For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-09-2023 Heard learned counsel for the parties concerned.

2. The First Information Report has been lodged by the petitioner bearing Uchakagaon P.S. Case No. 207 of 2021 registered for the offences under Sections 302, 120-B/34 of the Indian Penal Code read with Section 27 of the Arms Act against eight accused persons. Out of eight accused persons, five have been arrested by the Police. According to the petitioner, the Police has not been able to arrest three accused persons named in the First Information Report.



3. Learned counsel for the petitioner submits that the offences alleged against the accused persons are serious and heinous in nature inasmuch as son of the petitioner was called from his home and was shot dead. The petitioner has submitted a representation before the Superintendent of Police, Gopalganj, in this regard which is at Annxure-3.

4. The prayer of the petitioner is for direction to the respondent to arrest the accused persons and to conclude the investigation as early as possible preferably within reasonable time frame.

5. On the other hand, learned counsel for the State submits that the Police has arrested five accused persons and the process under Sections 82 and 83 Cr. P.C. has been initiated against one of the accused persons namely, Mahboob Mahmood. The investigation against two accused persons are still going on.

6. A co-ordinate Bench of this Court in a judgment reported in **2022 (6) BLJ (Surendra Singh & Others Vs. State of Bihar)** has issued direction in paragraph-10 and direction No.-V is as follows:-

“(V) As regards the grievance that accused persons are not being arrested in cases involving serious and heinous offences the Senior Superintendent of



Police/Superintendent of Police/Investigating Officer shall take appropriate steps keeping in view the law and judgments of the Hon'ble Apex Court on the subject. In the matter of absconding accused the I.O. must take immediate steps to arrest him and exhaust all other procedures in accordance with law with utmost expedition".

7. After having heard learned counsel for the parties and taking into consideration the fact that the representation of the petitioner is pending before the Superintendent of Police, Gopalganj, the Superintendent of Police, Gopalganj, is directed to take action upon the representation of the petitioner as per the direction contained in the guidelines No. 5 of paragraph-10 issued by a coordinate Bench of this Court reported in **2022 (6) BLJ** in the case of **Surendra Singh** (supra) within a reasonable time frame.

8. With aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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