

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.495 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- DIDARGANJ District- Patna

=====

MOHAN SINGH S/o Late Deep Singh Resident of Village- Khaspur, P.S.-  
Didarganj, District- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH INSPECTOR GENERAL OF  
POLICE PATNA, BIHAR Bihar, Patna.
2. The District Magistrate, Patna. Patna.
3. The Superintendent of Police, Patna. Patna.
4. The Deputy Superintendent of Police, Patna. Patna.
5. The Officer-in-charge of Didarganj Police Station, Patna. Patna.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Brij Bihari Tiwary, Advocate.  
For the Respondent/s : Md. Nadim Seraj, GP-5

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

5      18-08-2023                      Heard learned counsel for the parties concerned.

2. The petitioner who is the informant of Didarganj  
P.S. Case No. 5 of 2020 dated 9.1.2020 has approached this  
Court for a direction to the Police authority to arrest the accused  
persons named in the First Information Report namely, Tinku  
Singh, Rinku Singh, both sons of Rohan Singh and Budhnath  
Singh, son of Rajeshwar Singh who are named accused in the  
aforesaid First Information Report registered under Sections  
147, 148, 149, 448, 341, 323, 307, 354 379, 504 and 506 of the  
Indian Penal Code. Subsequently, Section 302 of the Indian Penal  
Code has been added.



3. As per the First Information Report, on 7.1.2020 while the informant was returning towards his home, at about 1:00 PM, he saw his agnates (*Gotia*)/accused persons having *lathi, danda*, rod, bricks and stones in their hands came to the house of the informant and the accused persons namely, Rohan Singh, Rajeshwar Singh, Budhnath Singh and Rinku Singh assaulted the father of the informant Deep Singh and when his brother Arun Kumar and other family members intervened in the matter, the accused persons namely, Tinku Singh, Uday Singh, Udeshi Singh and Amreek Singh assaulted the family members of the informant with *lathi, danda*, rod, bricks etc. It has further been alleged that some of the accused persons snatched golden chain from the neck and rings of family members of the informant.

4. Learned counsel for the petitioner submits that due to the assault made by the accused persons, the father of the petitioner/informant died during course of treatment on 14.1.2020. He also submits that despite a lapse of three years, the named accused persons in the First Information Report have not been arrested. The petitioner has filed a representation before the Rural Superintendent of Police, Patna, vide Annexure-2 in this regard.



5. On the other hand, learned counsel for the State referring to the counter affidavit submits that some of the accused persons were arrested during course of investigation and with regard to three accused persons, namely, Udeshi Singh @ Videshi Singh, son of Amreek Singh, Rinku Singh and Tinku Singh, both sons of Rohan Singh, the investigation is going on and they have been kept under enquiry. It has further been submitted that so far as the 3<sup>rd</sup> accused Budhnath Kumar is concerned, he may be arrested inasmuch as recently the new Investigating Officer has been appointed in this case. With regard to Rohan Singh, Rajeshwar Singh and Amreek Singh, they have been arrested on 25.4.2020 and 3.5.2020 respectively and were charge sheeted on 20.07.2020.

6. In view of the rival submission made by the parties and taking into consideration the judgment of the co-ordinate Bench of this Court in the case of ***Surender Singh & Ors. Vs. State of Bihar*** reported in ***2022 (6) BLJ***, I direct the Superintendent of Police, Rural, Patna, to consider the representation of the petitioner in the light of direction laid down by the coordinate Bench of this Court (*supra*) in paragraph 10(v) of the Judgment, and dispose the same within a period of three months from the date of receipt/production of a



copy of this order.

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

(Anil Kumar Sinha, J)

S.Ali/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

