

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.498 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- BARAULI District- Gopalganj

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Dharampal Kumar S/O Banaras Prasad Resident Of Village- Bgheji, P.S.-
Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar Patna
2. The Principal Secretary, Home Department, Govt. Of Bihar, Patna
3. The Director General Of Police, Sardar Patel Bhawan Patna.
4. The Inspector General Of Police, Saran Division, Chapra
5. The Deputy Inspector General Of Police Saran Division
6. The Superintendent Of Police, Gopalganj
7. Ashwani Kumar Tiwari Present Station House Officer, P.S.- Barauli,
District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shubhangi Pandey, Adv. Mr. Anand Vardhan, Adv.
For the Respondent/s	:	Mr. Md. Fazle Karim, Ac to Sc-01

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-04-2023 Learned counsel for petitioner and learned counsel for

State present.

The present writ application has been filed for the
purpose of proper investigation in connection with Barauli P.S.
Case No. 460 of 2022 lodged under Sections 341/ 323/ 324/
498(A)/ 504/ 34 instead of Sections 325 and 307 of the I.P.C. by
another I.O. as the petitioner has also filed a complaint case
against the police officials.

The petitioner has apprehension that since the

petitioner has already filed a complaint case bearing Registration No. 2542 of 2022 against the police officials before whom investigation is pending in the above mentioned case. They may not investigate the case of the petitioner in proper manner.

Counsel for the State submits that the petitioner may approach to the high police officials like Superintendent of Police, Gopalganj in this matter in the light of order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022.

This Court is of the view that Superintendent of Police, Gopalganj shall personally look into this matter and shall appoint another I.O. who is not figured in the complaint case filed by the petitioner and even then petitioner has any grievance, it is directed to the petitioner that he shall approach in the light of order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022 before the learned Chief Judicial Magistrate, Gopalganj also.

In this view of the matter, the present criminal writ petition is **disposed off** with direction to the petitioner to file representation before the Superintendent of Police, Gopalganj in

the light of the order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* with analogous cases decide on 09.09.2022 within four weeks’ from today and the Superintendent of Police, Gopalganj shall consider the representation and take appropriate action.

(Dr. Anshuman, J.)

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