

Arising Out of PS. Case No.-560 Year-2020 Thana- PATRAKARNAGAR District- Patna

... .. Petitioner/s

Versus

- Respondent/s

Appearance :

For the Petitioner/s : Mr.Nilima Sinha
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-07-2023 1. Learned counsel for the petitioner submits that the
petitioner has lodged an FIR against the Respondent No. 5
(Anshu Kumar) and 10-15 unknown person bearing Patrakar
Nagar PS Case No. 560 of 2020 but the Police is not
investigating the matter properly.

2. In paragraph no. 10 of the judgment rendered in *Surendra Singh vs. State of Bihar* reported in 2022 (6) BLJ 95, a Co-ordinate Bench of this Court has laid down the parameters in view of the law on the subject in the following terms:-



(1) In the cases where the investigation of the case is still pending, the concerned writ petitioner / an aggrieved person (hereinafter referred to as the 'writ petitioner' or 'an aggrieved person') may file an appropriate application before the Senior Superintendent of Police / Superintendent of Police of the concerned district drawing his attention towards the pending investigation. The aggrieved person shall submit his stand by way of an application with all supporting materials in the office of Senior Superintendent of Police / Superintendent of Police or send the same through registered post / speed post / email, as the case may be. A copy of the same shall also be sent to the investigating officer of the case.

(II) On receipt of such application from the aggrieved person, the Senior Superintendent of Police / Superintendent of Police shall himself supervise the said case within a period of two weeks, wherever necessary he shall give a chance of hearing to the aggrieved person and all endeavours be made to consider the submissions as well as the materials produced before him.

(IV) Upon receipt of a request / application / representation from a person connected with the case and aggrieved by and dissatisfied with the investigation alleging improper investigation, complaints of threat to him or his family or the



witnesses by his opponents, accused or his associates, it is the Sr. Superintendent of Police / Superintendent of Police of the concerned district and the Station House Officer of the concerned police station as well as the I.O. of the case who would be duty bound to enter or caused to be entered the information in the station diary of the police station and examine or caused to be examined the threat perception of the informant and / or his family members / witnesses and take appropriate steps at the earliest, in the cases where threat perceptions are found to be genuine, they would take immediate measures to protect the life of the person(s) under threat. Delay in examining the request/representation leading to any serious consequences shall in itself be a matter of enquiry and action against the erring police officials.”

3. Learned counsel also submits that the respondent no. 5 is threatening the petitioner and his family of dire consequences for which they need protection from the Police.

4. No one appears for the State.

5. In view of the prayer made in this writ application and the law laid down by this Court in Surendra Singh Case (Supra), the petitioner is directed to file a representation before the Senior Superintendent of Police, Patna within a period of



two weeks from today. If such representation is filed, the respondent no. 2 / Senior Superintendent of Police, Patna shall look into it and take appropriate action as per the law discussed in the aforesaid case.

6. With the aforesaid observation and direction, this writ application is disposed of.

(Anil Kumar Sinha, J)

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