

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.440 of 2022

Arising Out of PS. Case No.-154 Year-2019 Thana- BIND District- Nalanda

Surendra Yadav S/O Late Lakhan Yadav R/O Village- Masiyadiha, P.S.- Bind,
Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director General of Police (DGP).
Government of Bihar, Patna.
2. The Dy. Inspector General of Police, Bihar, Patna.
3. The Superintendent of Police, Nalanda, Biharshariff.
4. The S.D.P.O., Sadar, Biharshariff, Nalanda.
5. The S.H.O., Bind Police Station, Nalanda.
6. Nilesh Kumar, the then S.P., Biharshariff Presently posted as S.P., STF,
Rajgir.
7. Imran Parvej, the then DSP, Biharshariff Sadar presently posted as Rail DSP,
Kiul.
8. Rakesh Kumar, the then IO-cum-SHO, Bind Police Station presently posted
as Sub Inspector Laheri P.S., Biharshariff.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Dr. Mankeshwar Tiwari, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ application has been filed
directing the respondent to constitute S.I.T. to do an impartial
investigation in Biharshariff Bind P.S. Case No. 154/2019 by an
independent agency i.e. C.B.I. It has also been requested to stay
further proceeding arising out of Bind P.S. Case No. 154/2019.

After some arguments, Counsel for the petitioner

submits that he is dissatisfied with the record submitted by the police under Section 173 of the Cr.P.C. and therefore, he filed a protest before the concerned C.J.M. in this case, which is Annexure-P/3 (page no.45) of the Writ Petition.

Counsel for the State submits that under law, the concerned Magistrate is duty-bound to entertain the said complaint-cum-protest petition.

In this view of the matter, this Court feels that the petitioner is not entitled for the reliefs prayed in the Writ Petition.

But on the other hand, the concerned Magistrate is bound to hear petitioner's complaint-cum-protest petition and it is directed to the concerned Magistrate that he shall do the needful on the complaint-cum-protest petition.

With this observation, the present Writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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