

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.793 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

MEGHAN PASWAN SON OF LATE DAROGI PASWAN Resident of
Karimtol, Ward no. 7, P.S. - Birpur, Distt. - Begusarai

... .. Petitioner

Versus

1. The State of Bihar, Through the Principal Secretary, Home Department, Patna Bihar
2. The Director General of Police, Police Headquarter, Sardar Patel Bhawan, Bailey Road, Patna Bihar
3. The Deputy Inspector General, Begusarai Range, DIG Office, Begusarai Bihar
4. The Superintendent of Police, Begusarai, Kachahri Road, Begusarai Bihar
5. The Officer In-charge, P.S. - Balia, District - Begusarai Bihar
6. The Officer Incharge, Birpur P.S., District - Begusarai Bihar
7. X
8. Y
9. Z

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sagar Suman, Advocate
For the Respondent/s : Mr. Prabhu Narain Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 16-05-2023

The present writ application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner seeking direction to the respondents No. 1 to 6 and 9 to produce respondents No. 7 and 8 before this Court, who, according to him, are traceless since 26.08.2022 and illegally detained by



Respondent No. 9.

2. It is directed that let in the cause title of the present order the names of Respondents No. 7, 8 and 9 be not printed so as to save them from unnecessary social embarrassment which may be caused to them. Let them be described as X, Y and Z in the cause title of the present order. It is the petitioner's case that he is the grandfather of Respondent No. 7. Respondent No. 8 is the daughter of Respondent no. 9. Be it noted that the respondent No. 9(Z) has got registered an FIR with the Balia Police Station in the district of Begusarai for kidnapping of Y against X and his family members which is pending for investigation. This petitioner has also filed a complaint case before the Special Court SC/ST, Begusarai on 13.09.2022, giving rise to Complaint Case No. 72 of 2022, seeking a direction *inter alia* for registration of FIR as regards kidnapping of his grandson(X). In the said complaint petition Z(Respondent No. 9) and his family members have been made accused. When this case was taken up for admission, the Court had disclosed its mind to learned counsel for the petitioner that this application was misconceived and amounted to abuse the process of this Court particularly, in the wake of two criminal cases already got registered, one by the present petitioner and the other by Z.



Learned counsel for the petitioner has, however, insisted to press this application making this court to pass the present order.

3. It is the petitioner’s own case that his grandson(X) is traceless since 26.08.2023. Y is missing, according to the FIR lodged of Z, since 26.08.2022. It is not in dispute that the investigation into the criminal case is pending. In the said background, institution of the present writ petition seeking direction from this Court to Z to produce X and Y before this Court on a presumption that they are in custody of Z, is, in the Court’s opinion an abuse of the process of this Court.

4. This writ petition is accordingly dismissed with a cost of Rs. 5,000/- to be paid by the petitioner in the account of Patna High Court Legal Services Committee within four weeks.

5. List this case on 20.06.2023, under the Heading “To be Mentioned” to report compliance of the present order as regards the payment of cost.

(Chakradhari Sharan Singh, J)

(Rajiv Roy, J)

Nishant/Suraj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2023
Transmission Date	22.05.2023

