

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.559 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- NIRMALI District- Supaul

RAMESH KUMAR RAMAN @ RAMESH YADAV S/o Ghuran Prasad
Yadav Resident of Village- Itahari, P.O.- Belhi, P.S.- Marauna, District-
Supaul, State-Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY GOVT. OF BIHAR, PATNA Bihar
2. The Director General of Police, Govt. of Bihar, Patna Bihar
3. The Deputy Inspector General of Police, Koshi Division, Saharsa Bihar
4. The Superintendent of Police, Supaul Bihar
5. Shri Baidyanath Singh, The Deputy Superintendent of Police, Nirmali, District-Supaul Bihar
6. Rajesh Kumar Son of Bhuvneshwar Prasad Singh Resident of Village- Simarbani, P.S.-Bhargama, District- Araria, Inspector of Police cum Officer Incharge of Nirmali Police Station, District-Supaul.
7. Sudhir Kumar Aacharya Son of Late Rajeshwar Aacharya Resident of Village and P.O.- Muraul, P.S.-Bajpatti, District- Sitamadhi, present time posted at Nirmali Police Station, District-Supaul.
8. Lakhan Mandal, Home Guard No.-340123, Posted at Nirmali Police Station, District- Supaul Bihar
9. Chandeshwari Yadav, Home Guard No.- 340668, Posted at Nirmali Police Station, District - Supaul Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate.

For the Respondent/s : Mr. Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-08-2023 Heard learned counsel for the parties concerned.

2. The present writ application has been filed for a direction to the respondent authorities to take appropriate action for disposal of on-line complaint which was made by token No. 202004240022 on 24.4.2020 by the petitioner



against the respondent Nos. 5 to 9 and further for a direction to the respondent authorities specially respondent No.4, Superintendent of Police, Supalul to lodge an FIR against respondent Nos. 5 to 9 in pursuance of representation of the petitioner dated 24.4.2020.

3. Learned counsel for the petitioner submits that a false and fabricated FIR has been lodged against the petitioner on the basis of written report of respondent No. 7 due to non-fulfillment of demand of bribe demanded by respondent No. 6. The FIR bearing Nirmali P.S. Case No. 71 of 2020 on 13.4.2020 was registered under Sections 188, 269, 270, 353 of the Indian Penal Code and Section 51(A) (B) of Disaster Management Act, 2005. Learned counsel further submits that on 13.04.2020 at 7 O'clock in the morning petitioner was going to Nirmali Market on foot for purchasing some essential commodities and when he reached at Nirmali border then SHO of Nirmali Police Station and other Police personnel requested the petitioner to drive and park the TVS Motorcycle bearing registration No. BR50E-1095 at the Police Station. On the request of Police personnel, the petitioner parked the Motorcycle at



7:30 AM in the Police Station. Thereafter the SHO demanded a sum of Rs.5,000/- as a bribe from the petitioner and threatened him that if the amount is not paid, he would be sent to jail in a false case. Accordingly, a complaint was filed by the petitioner on-line.

4. On the other hand, learned counsel for the State submits that an FIR bearing Nirmali P.S. Case No. 71 of 2022 has been registered against the petitioner for the offence committed by him punishable under Sections 188, 269, 270, 353 of the Indian Penal Code and Section 51 (A) (b) of Disaster Management Act, 2005. The time of occurrence as per the First Information Report is at 11:00 Am on 13.4.2020 and ten days thereafter, on 24.4.2020, the complaint has been filed by the petitioner on the basis of concocted story. However, considering the complaint made by the petitioner, the Deputy Superintendent of Police (HQ), Supaul, directed the S.D.P.O. Nirmali to enquire into the matter as per statement made in the complaint petition and take action in accordance with law. In pursuance of the aforesaid direction, the SDPO, Nirmali vide Memo No. 398 dated 18.8.2020 submitted his report before the Deputy



Superintendent of Police (HQ), Supaul, stating therein that the complaint of the petitioner is related to the occurrence for which investigation is in progress and during course of supervision of the case, the allegation against the petitioner, as mentioned in Nirmali P.S. Case o. 71 of 2020 has been found true and a report has also been submitted in this regard. He next submits that from the report of the SDPO, Nirmali, it would be evident that the petitioner made a counter allegation in respect of the same occurrence against the Police authority i.e. respondent Nos. 5 and 9 which seems to have been made by the petitioner with intention to escape from criminal liability. The investigation in Nirmali P.S. Case No. 71 of 2020 has completed and case is found to be true against the petitioner. Accordingly, a charge sheet bearing Charge Sheet No. 204 of 2020 dated 27.12.2020 has been submitted before the learned court concerned at Supaul.

5. I have heard learned counsel for the parties. It appears that 10 days after lodging of the First Information Report, the petitioner has filed a complaint alleging demand of bribe by respondent No. 6. The investigation has



concluded which was duly supervised by the Superior authority. The SDPO conducted the inquiry on the complaint of the petitioner and come to the conclusion that the petitioner has made a counter allegation in order to escape the criminal liability. Accordingly, I do not find any merit in the prayer of the petitioner.

6. In the result, this application stands dismissed.

(Anil Kumar Sinha, J)

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