

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.700 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Samastipur

=====

Mohammad Zakir Hussain Son of Md. Sabbir Resident of Village - Ward
no.2, Dharmpur, P.s.- Town, Samastipur, and Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary Home (POolice), Patna.
2. The Director General of Police, Bihar Patel Bhawan, Patna.
3. The Inspector General of Police, Darbhanga.
4. The Superintendent of Police, Samastipur.
5. The Station House Officer, Town P.S., Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Adv.
For the Respondent/s : Mr. Prabhat Kumar Verma, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed the present Cr. Writ Petition seeking direction from the Court that fair and proper investigation may takes place in connection with Samastipur Town P.S. Case No. 106 of 2022 dated 04.05.2022 lodged under Sections 323, 341, 307, 448, 504 & 506/34 of the I.P.C. read with Section 27 of Arms Act and Samastipur Town P.S. Case No. 111 of 2022 dated 05.05.2022 lodged under Sections 341, 323, 379, 384, 448, 504, 506 & 34 of the I.P.C. read with Section 27 of Arms Act.



Learned counsel for the petitioner submits that petitioner is innocent. He further submits that petitioner is a social worker and against the accused persons there are series of criminal cases, therefore, he seeks protection and fair investigation in this case. He also submits that petitioner has filed Samastipur Town P.S. Case No. 106 of 2022 dated 04.05.2022 lodged under Sections 323, 341, 307, 448, 504 & 506/34 of the I.P.C. read with Section 27 of Arms Act in which there is absolutely no progress whereas the case of petitioner has been filed earlier than the case which has been filed against the petitioner.

Learned counsel for the State submits that for the purpose of proper investigation the petitioner may be directed to file representation before Superintendent of Police in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases.

Upon going through the materials and hearing the parties, petitioner is directed to file representation before the Superintendent of Police, Samastipur in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases



within four weeks from the date of passing of this order describing all the details about his case i.e. Samastipur Town P.S. Case No. 106 of 2022 lodged under Sections 323, 341, 307, 448, 504 & 506/34 of the I.P.C. read with Section 27 of Arms Act and the case of accused persons i.e. Samastipur Town P.S. Case No. 111 of 2022 lodged under Sections 341, 323, 379, 384, 448, 504, 506 & 34 of the I.P.C. read with Section 27 of Arms Act.

The Superintendent of Police, Samastipur is directed to take necessary steps for completion of fair investigation in both the cases at the earliest.

Till filing of final report under Section 173(2) of Cr.P.C. no coercive step shall be taken against the petitioner in connection with Samastipur Town P.S. Case No. 106 of 2022 and Samastipur Town P.S. Case No. 111 of 2022.

With the aforesaid direction, the present Cr. Writ Petition is hereby disposed off.

(Dr. Anshuman, J.)

Ritik/-

U		T	
---	--	---	--

