

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.827 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- JALALPUR District- Saran

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Birendra Kumar Singh S/O Sri Sangram Singh Resident Of Village- Belunda,
P.S.- Jalalpur, District- Saran.

... .. Petitioner/S

Versus

1. The State of Bihar through The Director General of Police, Bihar, Patna.
2. The Superintendent of Police, Saran, Chapra.
3. The S.H.O of Jalalpur Police Station. District- Saran. Bihar

... .. Respondent/S

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 19-04-2023

Heard learned counsel for the petitioner and
learned counsel for the Respondents.

The present Cr. Writ application has been filed for
directing the respondents to investigate the Jalalpur P.S. Case
No.288/2021 dated 15.11.2021, instituted by the petitioner in
proper and correct direction independently. He further submits
that direction to merge Jalapur P.S. Case No.288/2021 with
Jalapur P.S. Case No.287/2021, is bad in law.

Counsel for the petitioner submits that there three
criminal cases namely Jalapur P.S. Case No.287/2021 Jalapur,
P.S. Case No.288/2021 and Jalapur P.S. Case No.289/2021 have
been filed by three different informants, with the same date of

occurrence but different time and place of occurrence and accused are primarily different, save and except, the name of a few accused persons are common in two cases.

Counsel submits that a decision has been taken at the level of Superintendent of Police, that filing three cases is bad in law and investigation shall run in only one case. Though the petitioner has not been informed formerly in this matter.

The stand of counsel for the State is absolutely different and he submits that in two cases, final form has been submitted, whereas, in one case investigation is going on.

In this view of the matter, let the petitioner is directed to represent himself before the Chief Judicial Magistrate/concerned Magistrate, where his Cr. case bearing Jalapur P.S. Case No.288/2021 is pending.

In the light of observation made by ***Surendra Singh Vs. State of Bihar & Ors.*** Vide order dated 09.09.2022 passed in Cr. W.J.C. No. 153 of 2017 with analogous cases the petitioner shall represent the entire matter before the concerned Magistrate within four weeks and the concerned Magistrate upon hearing the parties, shall take appropriate decision in the light of representation made in the paragraph-10 (VI and VIII) of the order, by the above said case i.e. ***Surendra Singh Vs.***

State of Bihar & Ors. passed in *Cr. W.J.C. No. 153 of 2017* with analogous cases, with regard to the reliefs.

Counsel for the State has no objection on the same.

With the aforesaid direction, this Cr. Writ petition is hereby disposed off.

The Court is directed to pass necessary order in the light of observation made by both the Hon'ble Court *Surendra Singh Vs. State of Bihar & Ors.* Vide order dated 09.09.2022 passed in *Cr. W.J.C. No. 153 of 2017* with analogous cases, within six weeks.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	