

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.373 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- KODERMA RPF/POST District- Gaya

AJAY KUMAR @ AJAY PRASAD Son of Satan Yadav Resident of Village-
Kathautiya Keval, P.S.- Fatehpur, District- Gaya, Bihar ... Petitioner
Versus

1. THE STATE OF BIHAR THROUGH THE ADDITIONAL CHIEF SECRETARY HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA, BIHAR.
2. THE ADDITIONAL CHIEF SECRETARY HOME, GOVT. OF BIHAR, OLD SECRETARIAT, PATNA, BIHAR. PATNA
3. THE DIRECTOR GENERAL, RAILWAY PROTECTION FORCE, RAIL BHAWAN, NEW DELHI
4. THE OFFICER IN CHARGE, RAILWAY PROTECTION FORCE, GURPA O.P., KODERMA RPF POST KODERMA, JHARKHAND
5. MR SHAILENDRA KUMAR SINGH, CONSTABLE, RAILWAY PROTECTION FORCE (RESERVE COMPANY DHANBAD) PRESENTLY POSTED AT GURPA O.P., KODERMA RPF POST, KODERMA, JHARKHAND.
6. MR PRAMOD KUMAR, CONSTABLE, RAILWAY PROTECTION FORCE (RESERVE COMPANY DHANBAD) PRESENTLY POSTED AT GURPA O.P., KODERMA RPF POST, KODERMA, JHARKHAND.

... Respondents

Appearance :

For the Petitioner : Mr.Surendra Kumar Singh
For the Railway : Mr.Vibhuti Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner has filed the writ application for
seeking following reliefs :

I. To issue an appropriate writ/order or direction of
quashing the FIR of Kodarma R.P.F. P.S. Case No. 5
of 2020 registered on 27.02.2020 as against the
Petitioner U/S 3 of R.P.(U.P.) Act as the same has
been registered on mere surmises and conjectures
without any evidence or material as against the



Petitioner.

II. To issue an appropriate writ or direction for staying the further proceeding of the case, pending before the Railway Judicial Magistrate, Gaya, during the pendency of this writ application.

III. To issue appropriate writ or direction commanding the Respondents to provide proper security/protection to the Petitioner and his others family members from the Respondents No. 5 & 6/

IV. This Hon'ble Court may adjudicate and hold that it was the duty of the Respondent No. 4 to act diligently and responsibly and should have considered the fact ad evidences that clearly suggest that there was no incident alleged by the Respondents 5 and 6.

V. This Hon'ble Court may further adjudicate and hold that the Respondents No. 5 and 6 have acted in the most illegal and arbitrary manner and have intentionally caused humiliation, harassment and mental agony to the Petitioner and therefore are liable to face strict disciplinary action.

VI. To allow the cost of litigation incurred in the false case and suitable compensation for the loss of reputation and mental harassment caused to the Petitioner due to the malicious actions of the Respondent Authorities.

VII. To allow any other relief/reliefs for which the petitioner is found entitled in the fact and circumstances of the case.



Counsel for the petitioner, after some arguments, fairly submits that charge sheet has already been filed therefore he seeks permission to withdraw the petition with liberty to raise all his points in the light of the order passed by the coordinate Bench in Cr.W.J.C. No. 153 of 2017 (Surendra Singh Vrs. State of Bihar & Ors.) and analogous cases decided on 09.09.2022 in which a categorical direction has been given that even after framing of charge the petitioner shall be at liberty to raise all his grievances to look into those matters which has not been considered by the investigating agency/inquiry agency. Here the high official is the Director General, Railway Protection Force, Rail Bhawan, New Delhi, (respondent no. 3).

The liberty is hereby accorded to the petitioner to represent the respondent no. 3 with all the materials so that he may take initiation of the matter in the light of Cr.W.J.C. No. 153 of 2017.

With this direction this writ petition is dismissed as withdrawn.

(Dr. Anshuman, J)

Shamshad/-

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