

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1163 of 2021

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

SHANKAR KUMAR @ ARBIND KUMAR S/o Late Mohanlal Gupta @
Late Mohan Sao At present Resident of Village- - Kali Mandir Hanuman
Nagar, P.S.- Patrakar Nagar, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary home department
Government of Bihar, Patna. Bihar
2. The State of Bihar through Director General of Police, Bihar, Patna. Bihar
3. Manoranjan Bharti Officer- in- Charge Patrakar Nagar Hanuman Nagar,
Police Station, Patna. Bihar
4. Bhagwan Das Sub- Inspector Patrakar Nagar Police Station, Patna. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh
For the Respondent/s : Mr.Sheo Shankar Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 19-09-2023 1. The present writ application has been filed for
initiating departmental proceeding against the Police authorities
for their illegal and unwarranted act by which the two sons of
the petitioner namely, Aman Kumar and Adarsh Kumar were
taken to the Police Station on 13.09.2021 wherein they were
kept in illegal confinement for three days and thereafter they
were produced before the learned C.J.M. on 15-09-2021.

2. Learned counsel for the petitioner submits that
minor sons of the petitioner who were studying in Kendriya
Vidyalaya were taken to the Police Station on 13.09.2021



without any case having been registered against them and in violation of mandatory provisions of Section 57 of the Cr.P.C. The wife of the petitioner informed the Superintendent of Police on 14.09.2021 about the illegal arrest of the petitioner's sons. The petitioner has also prayed for imposition of cost upon the respondents for illegal arrest.

3. A counter affidavit has been filed by the State respondents stating therein that a report was called for from the Station House Officer of Patrakarnagar Police Station who has submitted his report bearing memo no. 1696/23 dated 18th August 2023 in which it has been stated that Smt. Shanti Devi, who is the mother of the writ petitioner and grandmother of the two minor boys filed a written complaint against the petitioner / Shankar Kumar @ Arvind Kumar and also against the wife of the petitioner namely Rekha Devi and the two sons of the present petitioner namely Sunny & Aman with an allegation that the accused persons with intention to commit murder of the younger son of the informant namely Bhola Gupta with rod, knife and scissor assaulted him which led to institution of Patrakarnagar P.S. Case No. 529 of 2021 dated 14-09-2021 under Sections 341 / 342 / 323 / 324 / 337 / 307 / 504 / 506 / 379 / 34 of the I.P.C.



4. The two sons of the petitioner were arrested during investigation of the case on 14th September, 2021 and on 15th September, 2021 they were produced before the learned magistrate and thereafter remanded to judicial custody. Charge sheet has also been submitted against the sons of the petitioner bearing Charge Sheet No. 588 of 2021 dated 23.10.2021. Learned counsel further submits that there is no violation of Section 57 Cr.P.C. as arrest was made on 14th September 2021 and production was made on 15th September, 2021. Therefore the allegation that they were kept three days in Police Station appears to be baseless.

5. I have heard learned counsel for the parties and perused the material on record. From perusal of the statement made in the writ application it appears that for the first time complaint was allegedly made by the wife of the petitioner on 14-09-2021. Petitioner has not produced any proof regarding any complaint having been made to the Police or any other authorities for lifting of the sons of the petitioner on 13.09.2021. The Police in the counter affidavit has accepted that pursuant to the F.I.R. lodged on 14.09.2021 the sons of the petitioner who were accused in the case were arrested and were produced within twenty four hours on 15.09.2021 before the concerned



court and they were remanded to judicial custody.

6. In view of the aforesaid facts, I am of the opinion that the present writ application is devoid of any merit. Accordingly it stands dismissed.

(Anil Kumar Sinha, J)

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