

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1346 of 2019

Arising Out of PS. Case No.-73 Year-2002 Thana- BAHADURGANJ District- Kishanganj

SHAMIM @ MD. TASLIM Son of Md. Jabbar @ Bachcha Miyan Resident
of Village - Kumarkhod Dhuabari, P.S.- Bibiganj (Korhobari), District -
Kishanganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE CHIEF SECRETARY, BIHAR,
PATNA.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Home Department, Bihar.
4. The Secretary Law Department, Bihar.
5. The District Magistrate-cum-Collector, Kishanganj.
6. The Superintendent of Police, Kishanganj.
7. The Jail Superintendent, District Jail, Kishanganj.
8. The S.H.O., Bahadurganj, P.S. Kishanganj.
9. The Patna High Court through its Registrar General, Patna High Court,
Patna.
10. The Civil Court, Kishanganj through its Registrar, Civil Court, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Prabhat Kumar Verma

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 27-04-2023

Heard learned counsel for the parties.

2. This petition has been filed for directing upon the
respondents authorities to grant compensation to the tune of Rs.
25,00,000/- (Twenty Five Lakhs) on account of illegal judicial



custody (since 28.01.2019-07.06.2019) of the petitioner in Bahadurganj P.S. Case No. 73 of 2002 (GR No. 548 of 2002) after acquittal vide judgment dated 26.05.2005 passed in S.T. No. 674 of 2003.

3. As per prosecution case, petitioner was made an accused in connection with Bahadurganj P.S. Case No. 73 of 2002 (G.R. No. 548 of 2002) for the offence punishable under Sections 395, 397, 412 of the Indian Penal Code and he was not named in the F.I.R. nor he had been put on T.I.P. and nothing was recovered from the possession of the petitioner. He was remanded in that case on 09.07.2003 and charges were also framed on 22.01.2004, and finally he was acquitted on 26.05.2005 by trial court in S.T. No. 674/2003. moreover, petitioner was again arrested by Police in the same case on 28.01.2019 and he has been released from judicial custody on 07.06.2019 on the basis that he was earlier acquitted in same case on 26.05.2005.

4. This writ petition has been disposed of with a liberty to the petitioner to approach the Bihar State Human Rights Commission, Patna, within two months from the date of receipt of communication of this order. If such an application is filed before the Commission, the same shall be considered on



merits after condoning the limitation.

5. Accordingly, this application is disposed of.

(Sandeep Kumar, J)

Ranjeet/-

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