

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1435 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- NARDIGANJ District- Nawada

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Lallan Chouhan Son of Badri Chouhan, Resident of Village - Charna Chatar,
P.S.- Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. Home Secretary, Government of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. Superintendent of Police, Nawada.
5. Sub-Divisional Police Officer, Sadar Nawada.
6. Station House Officer, Nardiganj, Nawada.
7. Rambhajan Singh, Sub-Inspector of Police, Nardiganj, Nawada.
8. Sunil Kumar Singh, Assistant Sub-Inspector of Police Nardiganj, Nawada.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-04-2023 Learned counsel for the petitioner and learned counsel
for the State present.

It transpires from the order dated 13.12.2022 that the present case has not been treated as habeas corpus and direction was given to the petitioner to make necessary correction in the subject matter of the present writ application and thereafter this case has placed before this Bench as per roster after necessary permission of Hon'ble the Chief Justice.

Counsel for the petitioner submits that action may be

taken on his application which is Annexure-4 of the criminal writ petition. He further submits that in the said petition, petitioner has filed application before District and Sessions Judge, Nawada relating to Nardiganj P.S. Case No. 49 of 2022 in which recovery of *Ganja* has taken place from the house of other person, who have not been made accused and innocent persons have been made accused by the police. It is due to this reason, he filed the present criminal writ application.

Counsel for the State submits that there is already finding has come in this case that present case is not a case of habeas corpus, so far as the grievance of the petitioner as per Annexure-4 i.e. representation, the petitioner has not filed his representation before the proper forum since the power of investigation is vested before the police authority. He further submits that the petitioner may be directed to submit his representation before the Superintendent of Police, Nawada in the light of *Surendra Singh Vs. State of Bihar and others vide order dated 09.09.2022 passed in Cr.W.J.C. No. 153 of 2017* with analogous cases.

Counsel for the petitioner has no objection on the same.

In this view of the matter, the present application is

disposed off directing the petitioner to file his representation a fresh raising all his objections relating to fair investigation and the illegalities done by the police personnel at the time of lodging the F.I.R. before the Superintendent of Police, Nawada within four weeks from the date of order and the Superintendent of Police, Nawada (Respondent no.4) is directed to do the needful in accordance with the observation made in the case of ***Surendra Singh Vs. State of Bihar and others*** vide order dated 09.09.2022 passed in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases.

With this direction, the present Criminal Writ Application is hereby disposed off.

(Dr. Anshuman, J.)

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