

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1488 of 2022

Arising Out of PS. Case No.-34 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Binod Kumar Yadav Son of Raghuni Yadav R/v- Kuaa, Halna Yadav Tol, P.O.
and P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Bihar Patna
2. Director General of Police, Bihar, Patna
3. Inspector General of Police, Darbhanga
4. Senior Superintendent of Police, Darbhanga
5. Thana Incharge, Kusheshwarasthan P.S., Darbhanga, Bihar
6. Thana Incharge, Bithan P.S., District- Samastipur, Bihar
7. Mr. Babu Ram IPS Son of Unknown Bihar SSP Darbhanga on 10.02.2020
presently posed as SSP, Bhagalpur
8. Manish Kumar Son of Sudhir Prasad Singh R/v and P.O. Tetari, District-
Bhagalpur (Thana Incharge, Kusheshwarasthan on 10.02.2020 and
informant of Kusheshwaraasthan P.S. case no. 34/2020 dated 10.02.2020)
9. Santosh Kumar Son of unknown Resident of unknown posted as Thana in-
charge of P.S. Bithan on 07-02-2020

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shama Sinha, Adv.
For the State	:	Mr. Sheo Shankar Prasad, Sc-8 Mr. Sanjay Kumar, Ac to Sc-8
For Respondent No. 7	:	Mr. Anil Kumar, Adv.
For Respondent No. 8	:	Mr. Shambhu Shankar Thakur, Adv.
For Respondent No. 9	:	Mr. Nabi Ahmad Khan, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-04-2023 Heard learned counsel for petitioner, learned

counsel for respondent no. 7, learned counsel for respondent no.

8, learned counsel for respondent no. 9 and learned counsel for

the State.

The present criminal writ application has been filed

holding an independent enquiry about the false implication of the petitioner's son in Kusheshwar Asthan P.S. Case No. 34 of 2020 dated 10.02.2020.

Counsel for the petitioner submits that it is a case in which petitioner's son was illegally detained as well as implicated in the false case, therefore, F.I.R. should be quashed and enquiry was set up for illegal custody of the police.

Counsel for the State opposes the prayer and submits that counter affidavit has been filed and in the counter affidavit, it is the stand that the petitioner's son is not a normal person. He is an accused in different cases and only with a view to save the skin of the son, the petitioner has come before this Court and taking different pleas. Counsel for other respondents also submits that petitioner is not the innocent citizen. His involvement is there in commission of crime.

This Court is of the view that during the course of arguments, there are series of points which are disputed facts which cannot be decided by the writ Court as entire documents of the cases whose numbers are given in the present criminal writ petition are there before the Court of Chief Judicial Magistrate, Darbhanga and in this view of the matter, this Court is directed to the petitioner that petitioner shall file

representation in the light of order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022.

In this view of the matter, the present criminal writ petition is **disposed off** with direction to the petitioner to file representation before the Chief Judicial Magistrate, Darbhanga in the light of the order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* with analogous cases decide on 09.09.2022 within four weeks' from today and the Chief Judicial Magistrate, Darbhanga is directed to pass order relating to the involvement/ innocence of the petitioner by virtue of considering the documents raised by the petitioner in the criminal writ petition after proper verification of those documents available in the records of the case within six weeks.

With this direction, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

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