

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1513 of 2022**

Arising Out of PS. Case No.-500 Year-2022 Thana- KANKARBAG District- Patna

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Vishwa Mohan Prasad Son of Shri Vishwa Nath Prasad Resident of Flat No.-  
403, Sankap Enclave, 90 Feet Road, Malahi Pakari, Near Raj Tower, P.S.-  
Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Senior Superintendent of Police, District - Patna at Patna.
3. The Superintendent of Police, Patna City at Patna.
4. The Sub-Divisional Police Officer, Sadar District - Patna at Patna.
5. The Station House Officer In Charge Police Officer, Kankarbag Police  
Station, District - Patna.
6. The Investigating Officer, Kankarbag Police Station, District - Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Satyeshwar Prasad, Adv.

For the Respondent/s : Mr. Md. Nadim Seraj, Adv.

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      26-04-2023                      Learned counsel for the petitioner and learned counsel  
for the State present.

Counsel for the petitioner submits that he has filed an  
application for proper and fair investigation of F.I.R. of  
Kankarbagh P.S. Case No. 500 of 2022 registered under Section  
380 of the I.P.C. dated 10.06.2020 and also for recovery of  
stolen jewellerys during investigation.

Counsel submits that in compliance of the order dated  
04.04.2023, counter affidavit has been filed by Deputy  
Superintendent of Police, Patna, In-charge of said P.S. but he

submits that offence has been lodged under Section 380 of I.P.C. but the Deputy Superintendent of Police, Patna has taken statement of accused persons under Section 161 of Cr.P.C. and not arrested, whereas Section 380 of the I.P.C. is a cognizable offence.

Counsel for the State submits that under Section 380 of I.P.C., the maximum punishment is seven years. He submits that for his grievances, petitioner may represent before the Senior Superintendent of Police, Patna 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 Senior Superintendent of Police, Patna 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 Senior Superintendent of Police, Patna shall consider the representation and take appropriate action.

Liberty is also granted to the petitioner that in case of being aggrieved from the decision of the Senior Superintendent

of Police, Patna, he may take recourse as mentioned in the 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 before the Chief Judicial Magistrate, Patna also.

(Dr. Anshuman, J.)

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