

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.146 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- SHEOHAR District- Sheohar

Priyranjan Son of Late Jagdish Ray Resident of Village-Madhopur Chhata,
Police Station-Hiramma, District-Sheohar.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The I.G., Muzaffarpur
3. The Superintendent of Police, Sheohar
4. The Deputy Superintendent of Police, Sheohar
5. The Officer Incharge, Sheohar Police Station, Sheohar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate Ms. Madhubala Verma, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-III

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and Mr.

Suman Kumar Jha, learned AC to AAG-III for the State.

2. Petitioner in the present case is seeking following
reliefs:-

- “A. An order/direction to the Respondents for immediate arrest of the accused persons who is absconding in connection with Sheohar P.S. Case No. 15/2023, registered for offence under section-302/34 I.P.C. and 27 of the Arms Act, District- Sheohar.
- B. A direction for execution of process under section-82 Cr. P.C. issued by the learned court below in connection with Sheohar P.S. Case No. 15/2023 against the absconding accused persons.
- C. A direction for action against Respondent no. 5 who in collusion with accused persons and not arrested them who are living freely in the village.
- D. Any other relief under the facts and circumstances of the case.”

3. It is the case of the petitioner that despite there being a process issued against the accused persons under Section 82 Cr.P.C. in Sheohar P.S. Case No. 15 of 2023, the Investigating Officer of the case is not executing the process. In this regard, learned counsel for the petitioner has placed before this Court a copy of the order as contained in Annexure '2' which clearly demonstrates that as back as on 29.03.2023, the court was informed that when the raids were conducted on the house of the accused persons, they were found absconding and they are also alienating their properties outside the jurisdiction of the court.

4. Learned counsel for the State submits that even as he has no instruction as on today but in case the process under Section 82 Cr.P.C. has already been issued and not otherwise cancelled or interfered with by any competent court of law, the Investigating Officer is duty bound to execute the same. For this purpose, appropriate direction may be issued.

5. Having regard to the submissions made on behalf of the parties, this Court directs the Superintendent of Police, Sheohar to ensure that any warrant/process under Section 82 Cr.P.C. issued against the accused persons who are absconding has been issued by a competent court of law and the same as yet

not been cancelled by any order of the court, the Investigating Officer must execute warrant/process without any delay. It is the duty of the investigating agency to apprehend the absconders and execute the order of the court. This must be done within a period of one month from the date of receipt/production of a copy of this order.

6. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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