

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.827 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

Manish Kumar, Son of Sri Sahjanad Sharma, Resident of Village Akhtiyarpur,
P.S. Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Government Of Bihar, Patna
2. The Director General of Police, Bihar.
3. The Senior Superintendent of Police, Patna.
4. The Officer In Charge, Bihta Police Station, Patna.
5. Ramakant Tiwari, Father' s Name not known to the petitioner, The Officer In Charge, Bihta Police Station, Patna.
6. Sanjay Chaudhary, Father's name not known to the Petitioner, Assistant Sub-Inspector of Police, Bihta Poilce Station, Patna.
7. Subhash Singh, Father's name not known to the petitioner, Assistant Sub-Inspector of Police, Bihta Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishorep, AAG1

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

10 15-02-2024 Suffice it to say that the petitioner of the instant writ petition was found missing from 4th of May, 2017 to 6th of May, 2017. The family members of the petitioner conducted a thorough search and also intimated to the local Police Station. That on 6th of May, 2017, the petitioner was found available. From the petitioner, his family members came to know that he was illegally detained in Police custody on 4th of May, 2017, when Police Officer attached to Bihta Police Station arrested



him and on 6th of May, 2017, he was released without being produced before the Court of the learned Magistrate.

2. It is the grievance of the petitioner that the petitioner wanted to lodge an FIR, especially against Respondents No. 5 to 7, but they being the Police Officers attached to the concerned Police Station, his FIR was not accepted. Finally, on 25th of May, 2017, the petitioner filed Complaint Case No. 492 of 2017 against Respondent Nos. 5 to 7, alleging commission of offence under Sections 323, 326, 341, 504, 506, 427, 166, 165, 379, 384, 386 and 34 of the IPC. The learned ACJM, Danapur took cognizance of offence and issued non-bailable warrants against the respondents. Respondent Nos. 5 to 7, being accused of Complaint Case No. 492 of 2017, are on bail. However, the trial of the case is not being proceeded with.

3. Under this factual background, the instant writ petition has been filed for a direction upon the Police Officer to record an information of the petitioner as FIR against the Respondent Nos. 5 to 7.

4. Having heard the learned Advocates for the petitioner and the State of Bihar, it appears to this Court that purpose of the petitioner will be sub-served, if the Trial Court is



directed to proceed with the hearing of Complaint Case No. 492 of 2017 expeditiously.

5. Under such circumstances and in view of the fact that the complaint case is pending for the last 7 years, the learned Magistrate is directed to record the evidence of the complainant and the witnesses, if not recorded. In the meantime, before charge, formulate the charge, if materials on record are sufficient against the Respondent Nos. 5 to 7 and then permit the respondents to cross-examine the witnesses on behalf of the complainant and to conclude the trial positively within six (6) months from the date of communication of this order.

6. The learned Magistrate is made aware that the time limit prescribed by this Court is peremptory and violation of the time limit may allow the petitioner to take further legal action against the responsible person(s).

7. With the above direction, the instant writ petition is disposed of.

8. The parties are at liberty to act on the served copy of the order.

(Bibek Chaudhuri, J)

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