

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1897 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- KASIMBAZAR District- Munger

Md. Mahtab Alam S/o Late Md. Fakhruddin R/o Mohalla- Mansari Tallay,
P.S. -Kasim Bazar, P.O.- Munger, Dist. Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Deptt. of Home, Bihar, Patna Bihar, Patna
2. The Director General of Police, Bihar, Patna Bihar, Patna
3. The Deputy Inspector General of Police, Munger, Division, Munger Bihar, Patna
4. The Superintendent of Police, Munger, District Munger Bihar, Munger
5. The Deputy Superintendent of Police, Munger, Sadar Munger, Dist. Munger Bihar, Munger
6. The Station House Officer (Sho), Kasim Bazar, Police Station, Munger, Dist. Munger Bihar, Munger

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manendra Kumar Sinha, Advocate
		Mr. Navneet Kumar, Advocate
For the Respondent/s	:	Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. In connection with Kasimbazar P.S. Case No.303 of 2022 police conducted search of the house of one Mahtab Alam son of Heera Rain @ Moti Miya R/o Mohalla- Mansari Tallay, P.S. Kasim Bazar, P.O.- Munger, District Munger and recovered substantial amount of arms and ammunition from the said house. After recovery of arms and ammunitions, the police attempted to apprehend the present petitioner who is having the



same name but son of one late Fakhruddin, R/o Mohalla-Mansari Tallay within the same police station.

3. The petitioner filed an application for anticipatory bail before the learned Sessions Judge at Munger, the said application for anticipatory bail was disposed of on 31.05.2023 by the learned Sessions Judge-2nd Court at Munger holding inter-alia that Mahtab Alam son of Fakhruddin was not wanted in connection with Kasim Bazar P.S. Case No.303 of 2022. Subsequently, the mother of the petitioner filed Misc. Case No.07 of 2023 for the relief that the petitioner may not be harassed by the police authority in connection with the above mentioned police case. The learned Chief Judicial Magistrate by an order dated 09.06.2023 call for the report from the Officer Incharge of the concerned Police Station regarding the identity of the petitioner.

4. It is submitted by the learned advocate for the petitioner that on the basis of the said order dated 09.06.2023 the respondents has been harassing the petitioner and tried to arrest him though the Court while disposing of the application for anticipatory bail had already held that he is no wanted in connection with Kasim Bazar P.S. Case No.303 of 2022.

5. It is submitted by the learned advocate for the petitioner that necessary direction may be passed against the



respondents so that the petitioner may not be harassed by the police authority.

6. It is submitted by the learned advocate on behalf of the State that after the petitioner was notified to appear in the jurisdictional police station on the basis of the order passed in Misc. Case No.07 of 2023, he filed an application for anticipatory bail before this Court and the said application was dismissed as withdrawn by a coordinate Bench vide order dated 20.09.2023 with a liberty to take legal recourse as available to him in accordance with law.

7. Since, vide order dated 09.06.2023 the learned Chief Judicial Magistrate, Munger directed the police authority attached to Kasim Bazar Police station to submit a report regarding the identity of the petitioner, the petitioner was notified by the officer incharge of the said police station.

8. It is well within the scope of the investigation of police authority to ascertain the identity of a person who is suspect in a case. Therefore, the Officer Incharge of Kasim Bazar police station directed the petitioner to appear before him in the police station. If the petitioner happens to be the son of late Fakhruddin and he has official record to show the same and furthermore, if it is ascertained by the Investigating Officer that no search was conducted in the house of the petitioner, it is not



necessary to apprehend and hooked the petitioner in connection with this case. However to facilitate the investigation of the case, petitioner appearance before the police authority is absolutely necessary.

9. In view of such circumstances, the instant writ petition is disposed of directing the petitioner to appear before the Officer Incharge of the police station with all necessary documents to proof that the petitioner is the son of late Fakhruddin and not the son of Heera Rain @ Moti Miya. The police officer is directed to submit a report on due inquiry and during this period of inquiry no coercive step shall be taken against the petitioner. If on inquiry, it is found that the petitioner is wanted in connection with Kasim Bazar P.S. Case No.303 of 2022 the learned Officer Incharge shall submit a report to the learned Chief Judicial Magistrate, Munger and on the basis of his order further action shall be taken against the petitioner, if any, by the police officer.

10. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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