

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2051 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- SISWAN District- Siwan

Shashi Bhushan Singh Son Of Vidhyasagar Singh Resident Of Village - Dera
Ray Ke Bangara (Bangara), P.S. - Hasanpura, District - Siwan

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Dept. of Home, Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Inspector General of Police, Muzaffarpur Zone, Muzaffarpur, Bihar Bihar
4. The Deputy Inspector General of Police, Saran Division, Chapra Bihar
5. The District Magistrate, District - Siwan Bihar
6. The Superintendent of Police, Siwan Bihar
7. The Deputy Superintendent of Police, Siwan Bihar
8. The S.H.O. Police Station - Siswan, District - Siwan Bihar
9. The Officer Incharge, Siswan (Chainpur O.P.), District - Siwan Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate
For the Respondent/s : Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2024 Heard learned counsel for the parties.

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

- “(i) To direct and command the concerned respondent authorities to arrest the accused persons of Siswan P.S. Case No.231/2023 dated 29.08.2023 registered for offences under sections 304/34 of the Indian Penal Code in which the arrested accused has been illegally released by respondent No.8 and 9 without sending them to the concerned Judicial Magistrate after keeping them in police station from 28.08.2023 to 31.08.2023.
- (ii) To take appropriate and suitable action against the erring officer who has released the accused persons from the police station without following the procedure

of law with influence and in connivance of the accused.
(iii) To hand over the investigation of present case to an impartial and competent Police Officer of the rank of Dy. S.P/S.P. for fair, free, impartial transparent and proper investigation of the case for interest of justice and to register the case under sections 302, 120(B) and 34 of the Indian Penal Code on the material available.
(iv) To direct and command the concerned respondents authority to ensure that the grievance of the petitioner in the light of the referred matter/order dated 09.09.2022 and dispose of the representation of the petitioner in accordance with law in appropriate manner.
(v) To pass other order or orders in the shape of a consequential relief to which the petitioner may be found legally entitled to in the facts and circumstances of the instant case.”

3. Learned counsel for the State has submitted that in this case investigation is complete, Police has submitted a final form and nothing remains for adjudication by this Court in the present writ application.

4. Having regard to the submission that in this case investigation is complete and Police has submitted a final form, nothing remains for adjudication by this Court in the present writ application, this application is being disposed of with liberty to the petitioner to seek his remedy, if any available to him before a competent court in appropriate jurisdiction.

(Rajeev Ranjan Prasad, J)

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