

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.50 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- BARHARIA District- Siwan

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HEMANT RAY @ MUNNA RAY SON OF SRI DIGVIJAY KUMAR RAY
@ MANSHA RAY RESIDENT OF VILLAGE AND P.S. - SAWNA, VIA -
MIRGANJ, P.S. - BARHARIA, DISTRICT - SIWAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA
2. THE SUPERINTENDENT OF POLICE, SIWAN
3. THE SUB-DIVISIONAL POLICE OFFICER, SIWAN
4. THE STATION HOUSE OFFICER, BARHARIA POLICE STATION, SIWAN
5. SAMIMA KHATOON WIFE OF SRI FIROZ RAI RESIDENT OF BAHADUR BAGICHA (BEHIND THE HOUSE OF RAMBABU SINGH), P.S. - BAHADURPUR, DISTRICT - PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv., Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Rajeshwar Singh, G.A.-10, Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 07-03-2024 Heard learned Advocate for the petitioner as well as

learned APP for the State.

2. On the basis of a written complaint submitted by

one Samima Khatoon, Barharia P.S. Case No. 344 of 2023,

dated 6th September, 2023, under Sections

341/323/379/447/448/504/506/34 of the I.P.C. was registered

against the petitioner.

3. It is alleged by the petitioner that the aforesaid



complaint was lodged on false assertion of a concocted facts on 27th August, 2023. The petitioner was in Patna, younger brother of the petitioner was in Rajasthan, the elder brother of the petitioner had undergone a surgery at Gopalganj and he was residing in the house of his Maternal Aunt at Gopalganj, on the alleged date of occurrence. In the house at Sawna, there were only grand-father, brother of the grand-father, father and younger brother of the petitioner, aged about 26 years were staying.

4. It is contended on behalf of the petitioner that the petitioner has been falsely implicated in this case. The petitioner apprehends that some coercive action may be taken by the Police authority, though he is on bail. It is also suspected by the petitioner that there may not be free and fair investigation.

5. Under such circumstances, the instant writ petition is disposed of directing the Investigating Officer and the Superintendent of Police, Siwan (respondent no. 2) as well as the Station House Officer, Barharia Police Station, Siwan (respondent no. 4) to conduct investigation fairly and impartially and also to consider as to whether the petitioner was actually present at the place of occurrence on the date and time of the occurrence.



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

7. Let, a copy of this order be sent to the Superintendent of Police, Siwan (respondent no. 2) as well as the Station House Officer, Barharia Police Station, Siwan (respondent no. 4) for information and compliance.

(Bibek Chaudhuri, J)

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