

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.626 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- GWALPARA District- Madhepura

1. Om Prakash Kumar @ Uma Yadav S/o Harinandan Yadav R/o vill- Shyam, ward no. 10, P.S.- Gawalpara, Distt.- Madhepura
2. Harinandan Yadav S/o Late Dhaneshwar Yadav R/o vill- Shyam, ward no. 10, P.S.- Gawalpara, Distt.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. of Home, Bihar BIHAR
2. The D.G.P. Bihar, Sardar Patel Bhavan, Patna, Distt. Patna Bihar
3. The Deputy Inspector General of Police, Saharsa Bihar
4. The Superintendent of Police, Madhepura Bihar
5. The Deputy Superintendent of Police, Udakishunganj, Distt.- Madhepura Bihar
6. The Officer-in-Charge, Gawalpara P.s., Distt.- Madhepura Bihar
7. The I.O. of Gawalpara P.s. Case no. 234/2024, Distt.- Madhepura Bihar
8. Ashok Kumar S/o Dayanand Poddar R/o vill - Shyam, ward no. 11, P.S.- Gawalpara, Distt.- Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Pandey, Advocate Ms. Kumari Pallavi, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, G.A.8

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 14-07-2025 Heard the learned counsel for the petitioners and the

learned counsel for the State.

2. This writ petition has been filed for the following

reliefs:

*(I). For issuance of writ in the nature
of mandamus commanding and directing the
Respondent authorities to conduct proper
investigation of the case bearing Gawalpara
P.S. Case No. 234/2024 dated 14.11.2024*



registered for the offences punishable under Sections 109, 3(5) of the BNS and section 27 of the Arms act lodged by the private respondent No. 8 and conclude its logical end and exonerate the petitioners from their criminal liabilities as they have not committed any offence and the petitioner no 1 is not residing at village rather he resides at Purnia and on the alleged date of occurrence he was in his ITI college it would be evident from the CCTV footage also and petitioner no 2 who is father of the petitioner no 1 was also not present at the alleged place of occurrence;

(ii) For further direction to the concerned Police Officer to investigate the matter properly and collect the evidence as CC TV footage, attendance register of the petitioner no 1 and also the certificate issued by the college concern where the petitioner no 1 is studying as the mother of the petitioner no 1 has filed representation before the authority enclosing the entire material. But the Officer-in-charge of the concerned Police Station and IO of this case in connivance with the private Respondent Nos. 8 not investigate the matter properly and implicated the petitioners;

(iii) For further direction to the Respondent authorities to provide necessary protection to the petitioners and their family members by the hands of the Respondent Nos. 8;

(iv) For further direction to the Respondent authorities to dispose of the representation submitted by the mother of the petitioner no 1 by a reason and speaking order within time framed;

(v) For further direction to the respondents authority to not arrest the petitioners until and unless they investigate the matter properly and after verification of the evidence of innocence given by the mother of the petitioner nol before the authority.



3. The learned counsel for the petitioners has submitted that the petitioners were not present at the place of occurrence on the spot and they have falsely been implicated in this case. In support of same, the learned counsel for the petitioners prays that the CCTV etc., should be considered by this Court.

4. This application is disposed of with liberty to the petitioners to approach the Superintendent of Police, Madhepura and the I.O. of the case by way of filing a representation on behalf of the petitioners by a family member and if such a representation is filed on behalf of the petitioners by a family member, the same shall be verified by the Police during the investigation before taking a decision on the involvement of the petitioners.

(Sandeep Kumar, J)

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