

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1520 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Pankaj Kumar S/O Late Algu Singh R/O Pratapganj, P.S- Sasaram(Town),
Distt.- Rohtas, Presently Residing at Village- Rajokhar Kota, P.S- Sasaram(T),
Darigoan, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna Bihar
3. The Deputy Inspector General of Police, Shahabad Range, Dehri Bihar
4. The Superintendent of Police, Rohtas Bihar
5. Sub-Divisional Police Officer, Sasaram, Rohtas Bihar
6. Sub-Inspector-Cum-S.H.O Sasaram Town (Darigaon), Rohtas. Bihar
7. Chandra Shekhar Prasad @ Pappu S/O Late Ramadhar @ Ramadhar Mahto
R/O Pratapganj, Ward No.-36, Inside The Shiv Mandir, P.S- Sasaram(Town),
Distt.- Rohtas.
8. Sonu Kumar S/O Late Rameshwar Prasad R/O Pratapganj, Ward No.-36,
Inside The Shiv Mandir, P.S- Sasaram(Town), Distt.- Rohtas.
9. Piyush Kumar @ Nanka S/O Late Rameshwar Prasad R/O Pratapganj, Ward
No.-36, Inside The Shiv Mandir, P.S- Sasaram(Town), Distt.- Rohtas.
10. Kameshwar Prasad S/O Late Ramadhar Mahto @ Ramadhar Ram R/O
Lalganj Kuraich, P.S- Sasaram(Town), Distt.- Rohtas.
11. Mohit Kumar @ Nillu Kumar S/O Kameshwar Mahto R/O Lalganj Kuraich,
P.S- Sasaram(Town), Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Ajay Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 09-01-2025 The petitioner has approached this Court on the

ground that his life and personal liberty are at stake on being

threatened by private respondent Nos.7 to 11.

2. The case is taken up for hearing on the point of

admission in presence of the learned Advocate for the petitioner



as well as learned Advocate for the State-Respondents.

3. Having heard the learned counsels for the petitioner and the State-Respondents, this Court is of the view that the instant writ petition can be disposed of even without serving notice to the private respondents.

4. It is alleged by the petitioner that on 11.07.2021 his brother Dimple Kumar had met with an unnatural death, while he was going to his rented house at Tarachandi from his own house. After such death, the petitioner filed a complaint before the jurisdictional police station and police instituted Darigaon P.S. U.D. Case No.07 of 2021.

5. It is alleged by the petitioner that inspite of lodging complaint against the accused persons/private respondents, police did not take any action against them by registering an F.I.R., in a case as serious as murder. Subsequently, inaction on the part of police attached to the jurisdictional police station was intimated to the Superintendent of Police, Dehri, Rohtas and D.I.G. Shahabad by the petitioner by separate applications dated 19.07.2021 but they also failed and neglected to take any action. The petitioner then filed a complaint case bearing Complaint Case No.479 of 2021 before the learned Chief Judicial Magistrate, Rohtas at Sasaram but the said complaint was dismissed under Section 203 of the Cr.P.C. Against the order of



dismissal of complaint, the petitioner moved in revision in the Court of learned Additional District and Sessions Judge-1st Court at Rohtas. The revisional application was ultimately allowed by setting aside the order passed by the learned Chief Judicial Magistrate, Rohtas at Sasaram with a direction to institute a specific case against the accused persons, then only FIR was lodged.

6. It is contended on behalf of the petitioner that inspite of initiation of specific case under Section 302 of the I.P.C., police failed and neglected to arrest the accused persons and they are freely roaming around and threatening the petitioner with dire consequence.

7. The learned Advocate on behalf of the State-Respondents refers to the counter affidavit filed on behalf of the respondents, it is stated that after initiation of U.D. Case, the police conducted postmortem over the dead body of the deceased, viscera was sent to the Forensic Science Laboratory for examination, only after receiving the viscera report, police would ascertained as to whether the incident was actually a case of murder or an unnatural death.

8. Having heard the learned Advocate on behalf of the parties and on careful perusal of the entire materials on record, I am inclined to recorded the outset that no Court can make a



guideline for the police officer as to how investigation is to be proceeded with. It is absolutely within the prerogative of the Investigating Officer as to whether a person involved in an alleged crime is required to be arrested or not. If the Investigating Officer finds that for the purpose of investigation arrest of the accused persons are necessary, he will arrest them.

9. On the contrary, if the case diary does not reveal involvement of the accused persons, then he may not arrest them. The Court cannot direct as to how investigation shall proceed.

10. At the same time, I am not unmindful do not that the petitioner's life and liberty is to be protected by the police authority. If there is an specific allegation against the accused persons to the effect that the petitioner is being threatened by the private accused persons/respondents and his life and liberty is at stake, the Investigating Officer is at liberty to take any action in accordance with law.

11. With the above observations, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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