

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2463 of 2024

Arising Out of PS. Case No.-126 Year-2022 Thana- KHIJARSARAI District- Gaya

Chandan Kumar @ Satish Kumar Son of Ram Krit Yadav @ Ram Krit Prasad
Yadav R/o Vill- Dalelchak, P.S- Belaganj, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home (Police), Government of Bihar Bihar
2. The Director General of Police, Bihar, Patna Patna
3. The Senior Superintendent of Police, Gaya Gaya
4. The Sub-Divisional Police Officer, Neemchak Bathani District- Gaya
5. The S.H.O-cum-Officer-in-Charge, Khijarsarai Police Station District- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr. G.P.13
Mrs. Shweta Anand, AC to GP 13.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-05-2025 Heard the parties.

2. By way of this writ application, the petitioner has
prayed for the following reliefs:-

(i) For a direction upon the Respondents concerned specially Respondent No. 3 to conduct proper and further investigation of Khijarsarai Police Station Case No. 126 of 2022 registered under Section 414 of Indian Penal Code against 5 named accused persons including the petitioner but name of petitioner was included on the basis of name of petitioner disclosed in confessional statement of co-accused Pawan Kumar without any corroborative material and name of petitioner has been disclosed by co-accused with ulterior motive only to malign the service career of the petitioner



as on that date petitioner had already qualified the written examination of Recruitment for Fireman (Constable) but till date no cogent material connecting the petitioner with alleged incident has come despite that Investigating Officer has not submitted final form against the petitioner so that his service career may be protected.

(ii) For further direction upon the Respondents concerned to provide the benefit of under Section 41A of Code of Criminal Procedure in view of settled proposition of law held in Hon'ble Apex Court Judgement reported in 2014(8) SCC Page 273 (Arnesh Kumar -Versus- State of Bihar) but local police with oblique motive under the influence of some adversaries on whose instance name of petitioner has been included in First Information Report is not giving the benefit of the same as petitioner is ready to cooperate in the investigation of the case and make himself available when ever required his presence before Investigating Officer.

3. For the aforesaid reliefs, as prayed by the petitioner and for a direction upon the Investigating Officer of the case for appropriate investigation, he is given liberty to approach the Senior Superintendent of Police, Gaya with an application and if the Senior Superintendent of Police, Gaya finds substance in the application of the petitioner, he will pass appropriate orders in this regard. So far as the direction under Section 41(a) of the Cr.P.C. is concerned, the same can be considered in view of the law laid down by the Hon'ble Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar***



reported in 2014(8) SCC 273.

4. With the aforesaid observation, this application is disposed of.

5. It is made clear that this Court has not expressed any opinion on the merits of this case and the prayer of the petitioner.

(Sandeep Kumar, J)

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