

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.737 of 2023

Arising Out of PS. Case No.-1093 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Shashi Bhushan Singh, Son Of Tarkeshwar Singh, Resident Of Village Sarewa, P.O - Diha, P.S. - Guraru, District Gaya At Present Resident Of Ashok Singh Lodge, Yarpur, Rajputana, Near Dvc Road No.1, P.S. Gardanibagh, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Home Affairs, Government Of Bihar
2. The Senior Superintendent Of Police, Patna
3. The Station House Officer, Gardanibagh Police Station, Patna
4. The Station House Office, Kadam Kuan Police Station, Patna
5. Mukesh Kumar Gupta Aged About 55 Years, Gender Male, Son Of Mahavir Prasad Gupta, Permanent Resident Of Village - Tilha, Mahavir Sthan, P.S. - Civil Lines, Gaya, At Present Resident Of Mohalla - Salimpur, Gali No.1, Vidya Bhawan, P.S. - Gandhi Maidan, District - Patna
6. Damyanti Ghosh Stated To Be Wife Of Arjun Ghosh, Aged About 72 Years, Gender Female, Resident Of A-1/301, Silver City-2, Tower-1, Sector P1-2, Greater Noida, Gautam Buddha Nagar, P.S. Knowledge Park, Uttar Pradesh
7. Leela Ghosh Aged About 85 Years, Wife Of Late Ranjit Kumar Ghosh, Resident Of A-140, Sector-1, Salt Lake City, P.S. - Salt Lake, Kolkata And Permanent Resident Of Kadamkuan, Nawal Kishore Road, P.S. - Kadamkuan, District - Patna
8. Ranjanaa Paul Aged About 65 Years, Daughter Of Late Ranjit Kumar Ghosh, Resident Of A-140, Sector-1, Salt Lake City, P.S. - Salt Lake, Kolkata And Permanent Resident Of Kadamkuan, Nawal Kishore Road, P.S. - Kadamkuan, District - Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the State : Md. Iqbal Asif Niazi, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 30-06-2026 The present petition has been preferred by the

petitioner seeking direction to the Court of learned Additional



Chief Judicial Magistrate – XIV, Patna to compel the appearance of private respondents. He is also seeking proper execution of warrant of arrest/process issued by the Court of learned A.C.J.M., Patna. He also seeks enquiring into the death certificate in regard to Anjan Ghosh, as filed by Respondent No. 6/wife and be declared forged and fabricated.

2. At bar, it is informed by learned counsel for the petitioner that warrant of arrest has been issued against the petitioner. However, the same is not executed by the police till date. Hence, the police may be directed to execute the warrant of arrest against the accused/petitioner herein.

3. However, learned counsel for the State vehemently opposes the prayer of the petitioner submitting that the writ petition is not maintainable for direction to the Court below for execution of the warrant of arrest. It is for the Court below to see that the warrant of arrest issued by it is executed. If the petitioner is aggrieved by non-execution of warrant of arrest, it is for him to move an appropriate application before the concerned Court for execution of warrant of arrest, if already issued against him.

4. Accordingly, the present writ petition is disposed of with liberty to the petitioner to move an appropriate application



before the Court below and if such application is moved, the Court below will pass appropriate order, as per law in regard to issuance of warrant of arrest or execution of the warrant of arrest, if already issued, by seeking report from the police and if it is not satisfied, learned Judicial Magistrate can give required direction to the police.

(Jitendra Kumar, J)

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