

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.896 of 2022

Arising Out of PS. Case No.-485 Year-2020 Thana- BARACHATTI District- Gaya

Ramshran Mahto, Son of late Ganauri Mahto, Resident of Village -
Barachatti, P.O. and P.S.- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Deptt., Govt. of Bihar Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Distt. Magistrate Cum District officer, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Deputy Superintendent of Police, Sherghati, Distt. Gaya.
6. The S.H.O. Barachatti P.S., Distt.- Gaya.
7. Raghunandan Mahto, Son of Kameshwar Mahto, Resident of Village - Dhanachak, P.O.- Sarwa, P.S.- Barachatti, Distt.- Gaya,
8. Surendra Prasad, Son of Kameshwar Mahto, Resident of Village - Dhanachak, P.O.- Sarwa, P.S.- Barachatti, Distt.- Gaya.
9. Jitendra Mahto, Son of Kameshwar Mahto, Resident of Village - Dhanachak, P.O.- Sarwa, P.S.- Barachatti, Distt.- Gaya, Bihar.
10. Usha Devi W/o Raghunandan Mahto Resident of Village - Dhanachak, P.O.- Sarwa, P.s.- Barachatti, Distt.- Gaya,
11. Ravindra Mistri, Son of Late Budhan Mistri, Resident of Village - Dhanachak, P.O.- Sarwa, P.S.- Barachatti, Distt.- Gaya, Bihar.
12. Malti Devi, W/o Vijay Dangi, Resident of Village - Chaudha Bela, P.S.- Pathalgadha, Distt.- Chatra (Jharkhand).
13. Rajdeo Yadav, Son of Late Chedi Yadav, Resident of Village - Baradih, P.O.- Barachatti, P.S.- Barachatti, Distt.- Gaya, Bihar.
14. Karu Yadav @ Virendra Yadav, Son of Rajdeo Yadav, Resident of Village - Baradih, P.O.- Barachatti, P.S.- Barachatti, Distt.- Gaya, Bihar.
15. Ranjan Raj, Son of Rajdeo Yadav, Presently Posted at Air Force Station Silliguri, West Bengal PIN 734010 Resident of Village - Baradih, P.O.- Barachatti, P.S.- Barachatti, Distt.- Gaya, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate.
For the Respondent/s : Mr. Dhurendra Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER



8 23-03-2026

The present writ petition has been preferred by the petitioner for arresting the accused and submitting charge sheet against the accused persons of Barachatti P.S. Case No. 485 of 2020 registered on 11.08.2020 for the offences punishable under Sections 341, 323, 427, 354, 379 read with Section 34 of the Indian Penal Code lodged on written complaint of the petitioner.

2. By way of reply the respondent authorities have filed counter affidavit and supplementary counter affidavit showing that in the said FIR, after investigation, charge sheet bearing No. 1035 of 2020 dated 31.12.2020 has been filed against the accused persons namely, Raghunandan Mahto, Surendra Mahto, Jitendra Mahto, Malti Devi, Usha Devi, Ramendra Mistry, Ranjan Raj, Rajedeo Yadav and Karoo Yadav @ Birendra Yadav.

3. However, in reply to the counter affidavit filed by the State officials, the petitioner has filed reply by way of affidavit submitting that charge sheet has not been submitted because he had applied for certified copy of the charge sheet but, as per learned court below, no charge sheet has been submitted.

4. I heard learned counsel for the petitioner and learned AC to GP5 for the State.



5. Learned counsel for the petitioner still submits that the charge sheet has not been submitted whereas learned State counsel vehemently submits that the charge sheet has been submitted. Even details of the charge sheet has been given in the counter affidavit and supplementary counter affidavit and he still stands by his statement, because the counter affidavit has been filed by the Police Officer of DSP rank and even copy of charge sheet has been filed on record. He further submits that certified copy of the charge sheet is not supplied to the accused or anybody because it is not a public document and not exhibited during trial and that is why the petitioner may not have got the same and the statement of the petitioner that as per learned Magistrate no charge sheet has been submitted, is without any documentary basis. His copy of the application for certified copy has been brought on record but that application nowhere shows that his application has been rejected because charge sheet has not been submitted. This is self imagination of the petitioner and false statement on his part that as per Magistrate, no charge sheet has been submitted whereas the fact is that there is no such statement made by learned court below while rejecting the application of the petitioner for certified copy. It is possible that application for certified copy of the



charge sheet has been rejected because no certified copy of the charge sheet can be provided to anybody.

6. Hence, petitioner is liable for perjury. He has lied to the court. There is irresponsible statement by the petitioner in the affidavit that as per learned Magistrate, no charge sheet has been submitted, whereas there is no such statement of the learned Magistrate. Hence, he may be proceeded for perjury.

7. At this stage, learned counsel for the petitioner tenders unconditional apology on behalf of the petitioner, submitting that on account of ignorance, the petitioner could not understand the reason behind his non-getting a certified copy. It is possible that on account of legal bar to provide certified copy of the charge sheet, the petitioner could not have got the certified copy, though, the charge sheet might be on record.

8. Hence, learned counsel for the petitioner is seeking permission to withdraw the present petition with liberty to verify it by inspecting the file of learned court below and in case, it is found that the charge sheet has not been submitted, he can take proper steps against the concerned DSP who has given the counter affidavit.

9. Permission is accorded.

10. Accordingly, the present petition is dismissed as



withdrawn with liberty to the petitioner to do the needful in case
it is found that there is no charge sheet submitted as per the
DSP.

(Jitendra Kumar, J)

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