

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1403 of 2023

Arising Out of PS. Case No.-873 Year-2020 Thana- SUPAUL District- Supaul

Bhola Prasad Yadav S/O Late Ramkishun Yadav Vill Supaul Nagar Parishad
Ward No 28 Ps Supaul Dist Supaul.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna Bihar
2. The Inspector General of Police, Koshi Region, Saharsa Bihar
3. The Deputy Inspector General of Police, Koshi Region, Saharsa Bihar
4. The District Magistrate, Supaul Bihar
5. The Superintendent of Police, Supaul Bihar
6. The Station House Officer, Supaul, P.S. - Supaul Bihar
7. Investigating Officer, Supaul P.S., Supaul Bihar
8. Siyaram Yadav Son of Dashrath Yadav Resident of village - Supaul Nagar Parishad, ward no. 28, P.s. - Supaul, Distt. - Supaul
9. Vidyananad Yadav Son of Siyaram Yadav Resident of village - Supaul Nagar Parishad, ward no. 28, P.s. - Supaul, Distt. - Supaul
10. Rajkumar Yadav Son of Siyaram Yadav Resident of village - Supaul Nagar Parishad, ward no. 28, P.s. - Supaul, Distt. - Supaul

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-01-2026 Heard the learned counsels for the respective parties.

2. The present writ petition has been filed for issuance of appropriate writ/direction to the respondents-authorities for discharging their statutory duties in connection with Supaul P.S. Case No. 873 of 2020 which was lodged by the petitioner against respondent nos. 8 to 10 and other co-accused persons and seeking further direction to apprehend and arrest the



accused persons namely respondent nos. 8 to 10.

3. Learned counsel for the petitioner submits that the petitioner as informant, an eye witness, instituted Supaul P.S. Case No. 873 of 2020 against respondent nos. 8 to 10 and one more co-accused person along with four unknown persons. The son of the petitioner died in the firing made by the FIR named persons and four unknown persons. The respondent nos. 6 and 7, who are the Station House Officer, Supaul P.S. and Investigating Officer of the case, respectively, are not taking any interest and have not arrested the respondent nos. 8 to 10 and the petitioner and his family members are in continuous fear of life.

4. Learned counsel appearing on behalf of the respondents-State submits that the matter was investigated by the police and charge-sheet has been submitted against one Shambhu Yadav, who was named in the FIR, and other co-accused persons, who were not named in the FIR, namely Subodh Yadav, Pawan Pandit, Gajendra Pandit, Panchanand Das @ Pancha Das, Pramod Das, Saroj Yadav and Sudhir Singh. Learned counsel further submits that, however, even after investigation, the involvement of the respondent nos. 8, 9 and 10 was not found in the case and, therefore, there was no



occasion for arresting these respondents.

5. At this stage, learned counsel for the petitioner submits that in the report of Investigating Officer as well as in the first supervision note, respondent nos. 8, 9 and 10 were found involved. However, when the final supervision note was submitted, the complicity of respondent nos. 8, 9 and 10 was not found, as there was no material showing their involvement came into light. Learned counsel further submits that it shows the matter has not been properly investigated.

6. Having regard to the facts and circumstances of the case and rival submission of the parties, since the petitioner approached this Court with a prayer seeking direction to respondents-State to apprehend the respondent nos. 8, 9 and 10 and their involvement was not found after investigation, this Court cannot direct for arrest to the respondent nos. 8, 9 and 10. So far as claim of learned counsel for the petitioner about no proper investigation being made in the case is concerned, he is at liberty to have recourse of law in appropriate proceeding for redressal of his grievance and can move before the learned trial court seeking further investigation in the matter.

7. Accordingly, the present writ petition stands disposed of.



8. At the same time, the respondents-State are directed to ensure proper protection of the petitioner and his family members since it has also been prayed that there has been apprehension to their lives. The petitioner can move for such protection before the District Security Committee or even under the Witness Protection Scheme.

(Arun Kumar Jha, J)

Ashish/-

U			
---	--	--	--

