

(2023) 03 PAT CK 0038

Patna High Court

Case No: Criminal Writ Jurisdiction Case No. 495 Of 2022

Raushan Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 16, 2023

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 420, 465, 466, 467, 468, 471, 474
- Prevention of Corruption Act, 1988 - Section 7, 8, 13

Hon'ble Judges: Dr. Anshuman, J

Bench: Single Bench

Advocate: Amit Kumar, Dr. Mankeshar Tiwary

Final Decision: Disposed Of

Judgement

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present writ application has been filed with following reliefs:-

I. For issuance of the appropriate writ/writs, direction/directions, order/orders, commanding the respondents to make proper investigation and to submit Charge-sheet and to arrest the accused persons in the case connection with Special Case No.13 of 2021 arising out of Parsa Bazar P.S. Case No.99 of 2021 in district Patna registered for the offences punishable under Sections 465/466/467/468/471/474/420/120B of the Indian Penal Code and under Section 7/8/13 of the Prevention of Corruption Act, which case is at present pending in the Ld. Court of Spl. Judge Vigilance-Patna.

II. For issuance of the appropriate writ/writs, direction/directions, order/orders, commanding the Higher Authorities of the State Govt. to make proper investigation by any independent Government agency because S.H.O. of Parsa Bazar P.S. has come in collusion of accused persons and he can not make honest investigation and the police does not receive the F.I.R., of the complainant/informant. In this case also F.I.R. was not taken by the Parsa Bazar Police, F.I.R. given to Senior S.P., Patna was also ignored by the Parsa Bazar Police, then the complaint case No.3212/2020 was sent under Provision of 156(3) Cr.P.C. then this present F.I.R. was taken by the Parsa Bazar Police even after several efforts.

Counsel for the petitioner seeks permission to dispose of his writ petition in the light of order dated 09.09.2022 passed in Cr. WJC No.153 of 2017 to file his representation before Superintendent of Police (Respondent No.5).

Counsel for the State submits that petitioner may be directed to represent before the Superintendent of Police, Patna who shall take the needful in the light of observations made in Cr. WJC No. 153 of 2017.

In this view of the matter, the present writ application is disposed of with liberty to the petitioner that he may file his representation before the Superintendent of Police, Patna (respondent no.5) who shall pass appropriate order and take action in the light of order passed by the Hon'ble Court in the above said judgment.

With this direction, this Cr. writ application is hereby disposed of.