

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1081 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- MOKAMAH District- Patna

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Anand Gaurav, son of Ganesh Prasad Singh, R/o- Sakni Moldiyar Tola, Ward
no-11, PO+ PS- Mokama, Dist- Patna. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Govt. of Bihar.
2. The Additional Chief Secretary, Home Dept. Govt. of Bihar.
3. The Director General of Police, Bihar, Patna
4. The Superintendent of Police (Rural), District-Patna.
5. The Senior Superintendent of Police, District-Patna.
6. Shri. Ashok Singh, currently posted as Sub Inspector, PS- Mokama, District-Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Shanu, Advocate
Mr. Amit Kumar, Advocate
Mr. Surya Narayan Kumar, Advocate
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner has submitted that the entire allegations in the First Information Report are false, concocted and baseless. The allegations have been made in such a way that it gives a very serious view of the matter but if this Court will look into some of the materials only prima-facie, at this stage, it may be found that it is a case of false implication of the petitioner by the private respondent no. 6 who was posted as Sub-Inspector of Police in Mokama Police Station. It is submitted that as per the allegations, the petitioner had tried to



snatch the pistol of the informant (respondent no. 6) in the premises of the police station. In order to vindicate his grievance and to show that the allegations are palpably false, the petitioner requested the Senior Police Officers to preserve the CCTV footage of the police station. He even applied for the same under Right to Information Act, 2005. It is submitted that the application submitted by the petitioner was refused by the P.I.O. saying that considering the seriousness of the matter and investigation being pending, it would not be justified to provide CCTV footage to the petitioner. Copy of the said communication dated 29.11.2021 has been annexed as Annexure '4' to the writ application.

3. Learned counsel submits that in order to save himself from being implicated for lodging a false case, the private respondent no. 6 ensured that the relevant CCTV footage of the said date and time is deleted. It is stated that at this stage CCTV footage is not available and the investigation of the case cannot be completed without verification of the CCTV footage of the *thana* premises. The investigation has been kept pending for more than two years without any progress.

4. Learned counsel for the petitioner has further submitted that it is a case of malafide prosecution would be crystal clear if this Court gives him an opportunity to play an



audio clip of the conversation between the petitioner and respondent no. 6 prior to the alleged occurrence. In the said audio clip in which conversation has been recorded on the mobile of the petitioner, the private respondent no. 6 can be clearly heard demanding bribe and his share in all such cases in which vehicles have been ordered to be released by the court.

5. On the permission granted by this Court, learned counsel for the petitioner has produced the audio clip contained in a pendrive which has been played in the courtroom with the help of Technical Assistant of the Court in presence of learned counsel for the State and the members of the Bar. If the audio clip is correct, there is a voice from the other side demanding bribe from the petitioner, however, this audio clip is required to be identified and voice test shall also be required to investigate on this aspect of the matter.

6. Learned counsel for the petitioner submits that the petitioner has submitted a written complaint in this regard which was registered vide Mokama P.S. Case No. 199 of 2021 dated 26.07.2021. He has narrated the entire occurrence which had taken place on the said date in the *thana* premises. He has alleged that the private respondent had badly assaulted him in the police station, dragged him and all this occurrence has been recorded in the CCTV of the police station. It is submitted that now the



petitioner is being pressurised to compromise his case.

7. In the given facts and circumstances and the submissions noted hereinabove, this Court issues notice to respondent no. 6 through both by ordinary process as well as under registered cover with A/D for which requisites etc. must be filed within one week from the date of opening of the Court after X-mas Holidays, failing which this application shall stand dismissed without further reference to a Bench. Office to issue notice forthwith after filing of requisites.

8. Let the matter be reviewed by the Superintendent of Police (Rural), Patna within one week from today. The SHO of Mokama Police Station together with the I.O. of both the cases shall be present in person on 11th January, 2024 at 10:30 A.M with progress and the case diary of both the cases.

9. The petitioner, if called upon by the Superintendent of Police (Rural), Patna in course of inquiry, shall cooperate by providing all the materials which are in his possession. The audio clip shall be made available to Superintendent of Police (Rural), Patna for verification.

10. List accordingly.

(Rajeev Ranjan Prasad, J)

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