

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

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

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Kumar Shanu, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-III
Mr. Suman Kumar Jha, AC to AAG-III

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-01-2024 Pursuant to the order dated 21.12.2023, the respondent nos. 4 and 5 have filed a counter affidavit. It has been sworn by the Superintendent of Police (Rural), Patna. A perusal of the counter affidavit would show that the Superintendent of Police (Rural) has found that the case lodged by this petitioner being Mokama P.S. Case No. 199 of 2021 is true whereas, the case lodged by respondent no. 6 *vide* Mokama P.S. Case No. 198 of 2021 has been ordered to be closed in want of evidence. The Superintendent of Police (Rural) has issued progress report-cum-report-III and has



directed the Investigating Officer to submit a final form as “not charge sheeted for want of evidence”. The said final form has been submitted in the court of learned A.C.J.M.-III, Barh, Patna on 08.01.2024.

2. The petitioner, who is himself an Advocate Practicing at Bar, sought permission to address this Court and on having been granted the permission, he has narrated the whole story which also forms part of his pleading in the writ application. It is submitted that only after the order was passed by this Court on 21.12.2023 in this case, the things have progressed and now the case against him has been ordered to be closed. In fact, it was a false case and the Police should have not only submitted final form in favour of the petitioner but the informant should have been proceeded against under Sections 182 and 211 of the Indian Penal Code. The petitioner points out that in this case, he has been made to suffer for more than two years on the strength of a false case registered by respondent no. 6, baseless and frivolous allegations which had a potential to defame him as a lawyer, were made in the F.I.R. When he lodged the F.I.R. and claimed that the CCTV footage of the Police Station will speak the truth, the then A.S.P. had himself reviewed the CCTV footage and the allegations were found true



as respondent no. 6 was found assaulting the petitioner in the police premises. The petitioner had made even written requests to preserve the CCTV footage but then he was threatened by the then A.S.P., his house was raided in the name of storing illicit liquor but nothing was found from his house and the then A.S.P. had threatened him to the extent that if he would indulge in proceeding with the matter, then he would be dealt with otherwise. The petitioner, therefore prays that the entire matter is required to be thoroughly inquired into by a competent authority in the department at highest level and appropriate legal action not only in criminal side but even in administrative side is required to be taken against respondent no.6 and the then S.H.O. and those who may be instrumental in removal of the CCTV footage and/or not preserving the same within the prescribed period.

3. Mr. Anil Kumar Pandey, S.H.O. of Mokama Police Station has joined recently in August 2023, the CCTV footage is now not available and it is apparent on the face of the entire facts that people who were getting implicated because of the presence of the recording of the entire occurrence in the CCTV footage have ensured that the same is not preserved. If the allegations made in the petition, as are now appearing prima-



facie correct, are ultimately found true, the petitioner would also be entitled for compensation.

4. Let this matter be brought to the notice of the Director General of Police, State of Bihar who is expected to review the entire matter and order appropriate inquiry by a competent officer not attached to the concerned Police Station in any capacity and such inquiry into the matter be conducted within a period of six weeks from today. A report submitted in course of such inquiry be brought to the notice of this Court with an affidavit by 23rd of February, 2024.

5. List this matter on 23rd of February, 2024. Appearance of the S.H.O. and the other officials stands dispensed with.

(Rajeev Ranjan Prasad, J)

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