
(2005) 01 PAT CK 0034
In the Patna High Court
Case No : Criminal W.J.C. No. 199 of 2004

Baij Nath Pal

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 17-01-2005

Acts Referred:

Penal Code, 1860 (IPC) — Section 304B, 498A

Citation : (2005) 2 DMC 318 : (2005) 2 PLJR 447 : (2005) 1 PLJR 565

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Advocate : Gopal Govind Mishra, for the Appellant; Anil Kr. Verma, for the Respondent

Judgement

Shiva Kirti Singh, J.—Heard learned Counsel for the petitioner and learned Counsel for the State.

2. Petitioner is informant of Khagaul P.S. Case No. 11/03 lodged for offence under Sections 498A and 304B and other sections of the I.P.C. against five named accused including one Arvind Pal, a Sub-Inspector of Police who at the relevant time was posted in Jamalpur Police Station in the District of Munger. Petitioner's grievance is that although the investigation of the case is pending since February, 2003 but only Mukesh Pal the husband of the deceased lady who was sister of this petitioner has been arrested and co-accused who are relations of the husband have not been apprehended. The prayer of the petitioner is to direct the concerned police officials to execute warrant of arrest issued against absconding accused persons so that they may be arrested without any delay and also for a direction to Superintendent of Police (City), Patna to provide security to the family members of the petitioner who are being threatened by absconding accused persons particularly by Sub-Inspector Arvind Pal.

3. From the counter affidavit and materials on record it appears that Superintendent of Police, Munger has subsequently taken action against a clerk posted in Police Office, Munger for suppressing warrant of arrest issued by ACJM,

Danapur against Arvind Pal and his wife Saroj Pal. It also appears that Arvind Pal for some reason has been suspended since 29.6.2004 and thereafter he has not reported to the police line at Munger and his whereabouts are not known.

4. When warrants of arrest are issued against accused persons who hold responsible posts or are in police service, a greater duty is cast upon the concerned police officials to execute such warrants of arrest and to ensure that orders of competent Courts of law are not disobeyed. In this case the Investigating Officer as well as some police officials in the police office at Munger have shown leniency to the accused persons by not executing warrant of arrest effectively. The learned ACJM shall issue warrant of arrest afresh and the Superintendent of Police, Munger or any other concerned police official shall ensure that such warrant is executed against absconding accused effectively and within six weeks of its issuance. If the accused do not surrender or are not apprehended then the distress warrant shall also be issued without any delay so that properties of the absconding accused are seized within six weeks of issuance of distress warrant. The Superintendent of Police, Munger shall further take administrative action against absconding accused Arvind Pal, if he does not report in the police line as a suspended police official. Further administrative action may be taken on account of his absconding in a criminal case and on account of absence from the headquarters during period of suspension without any information to the Superior Officers. In view of several informatory petitions filed by petitioner before the Court below and also subsequent FIR leading to Khagaul P.S. Case No. 66/03 this Court is prima facie satisfied that the absconding co-accused are posing threat to the life and liberty of the petitioner and his family members who are residing under Khagaul Police Station. In such circumstances the City S.P., Patna is directed to issue necessary orders and ensure that petitioner and his family is provided adequate security by the Khagaul Police Station till the absconding accused persons are apprehended.