
(2008) 02 PAT CK 0178
In the Patna High Court
Case No : Cr.WJC No. 1139 of 2007

Bishwanath Prasad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-02-2008

Acts Referred:

Citation : (2008) 3 PLJR 403

Hon'ble Judges : Rajesh Balia, C.J;Barin Ghosh, J

Bench : Division Bench

Judgement

1. On the first date of hearing we were informed that Mithilesh Singh, father of one of the accused Raja Singh, who is alleged to be one of the person involved in kidnapping the boy, has assured to produce the accused and if not the accused, the kidnapped boy. However, nothing came out. On 19.2.2008 the Government Advocate stated that until then the said Mithilesh Singh had not divulged anything despite his earlier promise to do so indicating that the said Police Constable, father of accused Raja, had definite information about the accused and about the occurrence and was resisting from informing and co-operating with the investigation. In these circumstances, the court directed the respondents to make investigation about the conduct of the said Constable and if no information is received from him about his son he was directed to be produced in Court alongwith the Investigating Officer.

2. The said Constable, Mithilesh Singh, is not present in Court though the investigating Officer is present. We are informed that the accused, being his son, the said Constable, has resiled from his earlier assurance and has also secured support from the Association to pressurize the Investigating Officer not to conduct investigation against the father or to arrest the accused person.

3. We are deeply pained about the pressurizing of the Investigating Officer at the hands of the Association of Police Force, which is meant for protecting the citizen and to maintain law and order, but which has chosen to side with the accused and sheltering him merely because the accused happens to be son of a member

of the Police Force. If this is the attitude of Association, perhaps it stand in the line of accomplice by protecting the accused persons. It may, prima facie, be branded as perusing illegal object of sheltering the accused and obstructing investigation calling for serious action against such officials. Those Police Officials who knowingly side with accused and do not co-operate in an ongoing investigation by divulging correct information in their possession may not only be misconducting themselves of serious dereliction of duty as public servants becoming unworthy of continuing as public servants.

4. Inspector General of Police, Patna Division, is directed to make an enquiry into this and it will be his responsibility to see that the proper investigation is conducted and appropriate action is taken against all the erring members of the Police Association involved in thwarting proper investigation and against the Constable for not divulging true information about occurrence of crime which is within their knowledge, or about where about of accused.

5. A report about this be submitted to this Court by 5th March, 2008. Mithilesh Singh, constable, is also directed to be produced before the Court on the next date. Let a copy of this order be given to the learned Government Counsel.