

Binay Kumar Singh Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Feb-09-2009

Judge : Samarendra Pratap Singh, J.

Appellant : Binay Kumar Singh

Respondent : The State of Bihar and ors.

Judgement :

Samarendra Pratap Singh, J.

1. Heard the learned Counsel for the parties.

The petitioner instituted a written report on 3.6.2002 alleging that respondent No. 5 Ranjit Kumar, Constable No. 611, Special Branch, Police Line Special Branch, Near Old Secretariate, Patna, committed forgery in respect of obtaining death certificate of one Tej Pratap Singh, the grand father of the petitioner claiming him to be his son. It is alleged that Ranjit Kumar obtained the aforesaid death certificate from I.G.I.M.S., Patna on the plea that latter is his father. The aforesaid complaint gave rise to Pirbahore P.S. Case No. 159/02. The respondent No. 5, Ranjeet Kumar came to the residence of one Nagendra Kumar Singh, Advocate of petitioner and asked him to desist from appearing on behalf of the otherside.

2. The aforesaid fact was brought to the notice of this Court, which directed an enquiry into the aforesaid allegations. The Registrar General, High Court, Patna

directed the S.S.P., Patna to look into the matter and accordingly the S.S.P., Patna directed the Officer-in-charge, Gardanibagh to get the matter enquired and submit report.

3. The Sub-Inspector of Gardanibagh Police Station on 13.1.2007 after detail inquiry finding the allegations to be true submitted his report to C.J.M., Patna. Thereafter a Complaint case being Case No. 108(2)/07/ T.R. No. 1981/07 was instituted and the proceeding is continuing.

4. The learned Counsel for the petitioner submits that respondent No. 5 is influencing the prosecuting agency in view of his posting in Patna in the Special Branch. He further submits that Respondent No. 5 is continuing in the Special Branch at Patna since more than eight years, in teeth of provisions enshrined under Section 10 of the Police Act, 2007. He thus seeks for his transfer outside the District which would be in tune with Section 10 of Police Act and as well as would ensure fair prosecution.

It appears from the record that respondent No. 5, Ranjeet Kumar, was also put under suspension for some time.

5. The learned Counsel for the State submits that S.D.P.O., Patna in his report dated 22.6.2007 has observed that there is some local fued between Meena Devi and the petitioner on account of which they are on inimical term with each other. He submits that in one of the cases compromise has also been filed by the parties.

6. After hearing the learned Counsel for the parties this Court finds that any attempt by any police personnel or by any one who so ever high to threaten a counsel to abdicate his attorney is a serious matter and erring person is to be appropriately dealt with. It appears that a case under Section 506 of I.P.C. has also been instituted for the purpose.

7. In the back drop of the facts and circumstances of the case the Secretary, Home Police as well as Home Secretary would xamine the matter of transfer of respondent No. 5, Ranjit Kumar.

With the aforesaid observation this application disposed of.

