

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11642 of 2021

Rohit Kumar, Advocate, Patna High Court, Son of Sri Laxmi Nath Jha, Resident at C/o. Maheshwar Chandra Niwas, B.B. Srivastava, New By Pass, P.O. Anisabad, P.S. Gardanibagh, District-Patna, Bihar, Email I.D. rohitadv.phc@gamil.com.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Cabinet Secretariat Department, Government of Bihar Main Secretariat, Patna, 800015, With e-mail ID-secy_cabsec (at) bih.gov.in
2. The Additional Chief Secretary Department of Home, Government of Bihar, Sadar Patel Bhawan Patna 800023, Bihar.
3. The Principal Secretary, Department of Home Government of Bihar Sadar Patel Bhawan, Patna,800023, Bihar.
4. The Director Genral of Police, Sardar Patel Bhawan, Patna 800023, Bihar.
5. The Additional Director General of Police (Head Quarter), Sardar Patel Bhawan, Patna 800023. Bihar.
6. The Additional Director General of Police (Special Branch) Sadar Patel Bhawan, Patna 800023, Bihar.
7. The Additional Director General of Police (C.I.D.), Criminal Investigation Department, Sardar Patel Bhawan, Patna 800023, Bihar.
8. The Additional Director General of Police (Law and Order), Sardar Patel Bhawan, Patna 800023, Bihar.
9. The Additional Director General of Police (Modernization Cum SCRB), Sadar Patel Bhawan, Patna-800023, Bihar
10. The Inspector General of Police (Head Quarter, Legal, Budget, Appeal and Welfare), Sardar Patel Bhawan, Patna 800023, Bihar.
11. The Inspector General of Police (Crime), Criminal, Investigation Department, Sadar Patel Bhawan, Patna-800023, Bihar
12. The Zonal Additional Director Genral of Police Darbhanga Post Office-Laherisarai, Darbhagna-84601, Bihar.
13. The Range Deputy Inspector, General of Police, Darbhanga.
14. The Superintendent of Police, Samastipur, Bihar.
15. The Deputy Superintendent of Police Dalsinghsarai, Samastipur, Bihar.
16. Mr. Kundan Kumar, Informant of Samastipur Mufassil P.S. Case of 381/2018 then Deputy Superintendent of Police, Dalsinghsarai, Samastipur, Bihar.
17. Mr. Bikram Achrya Inspector Cum Station House Officer-Cum-Investigation Officer, Police Station, Samastipur Muffasil, Samastipur, Bihar.
18. The Present Investigation Officer of Samastipur Muffasil, Police Station Case No. 381/2018, Samastipur, Bihar.



19. The Supervision Officer of Samastipur Muffasil Police Station Case No. 381/2018, Samastipur, Bihar.
20. The Sub-Divisional Police Officer, Sadar Samastipur.
21. The Senior Superintendent of Police, Darbhanga.
22. The Incharge, of Police Lines Darbhanga.
23. The Inspector Cum Seg. Major of Police-Cum-armory Incharge of Darbhanga Police Lines, Darbhanga, Bihar.
24. The Range Inspector General of Police, Gaya, Bihar.
25. The Senior Superintendent of Police, Gaya, Bihar.
26. The Station House Officer Konch Police Station, Gaya, Bihar.
27. The then (14.02.2018) Station House Officer, Konch, Police Station, Gaya, Bihar.
28. The Range Inspector Genral of Police Saran at Chapra.
29. The Superintendent of Police, Siwan, Bihar.
30. The Station House Officer, Siwan Muffasil Police Station, Siwan, Bihar.
31. The Supervision Officer of Siwan Muffasil Police Station Case No. 364/2018, Siwan, Bihar.
32. The Present Investigation Officer, Siwan Muffasil Police Station Case No. 364/2018, Siwan, Bihar.
33. Dr. Pravez Akhtar then (February 2019), Sub-Divisional Police Officer, Darbhanga, thourgh the Director General of Police, Sadar Patel Bhawan, Patna-800023.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar, In person
Mr.Manish Kumar No. 13
For the State : Mr.Prabhat Kumar Verma, AAG-3
Mr. Sanjay Kumar Ghosharvey, AC to AAG-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-04-2023

A practicing advocate is the petitioner, who, in public interest, seeks an audit as well as physical verification of the arms and ammunition as well as records of arsenal and



armoury kept with the Bihar Police, including the Bihar Military Police, which are situated at District Headquarters (Police Line) and the Headquarters of Bihar Military Police. The petitioner seeks for constituting a Special Team by this Court to investigate cases registered under Samsatipur and Siwan Mufassil Police Stations, as per Annexure-1 and 2, which relate to missing of huge cache of ammunition.

2. The petitioner makes an unsubstantiated allegation of illegal arms factories from which illegally manufactured ammunitions were recovered and seized which it is asserted, are used by militants/extremists/miscreants/criminals etc. Proliferation of such arms and ammunition disturbs the social order and development, argues the petitioner. All these allegations are raised on the basis of two FIR(s) registered as Annexure-1 and 2. Reliance is also placed on the report of the Accountant General (Audit) about missing of arms and cartridges from the arsenal of Darbhanga Police Line in February 2019. It is alleged that the police officials themselves are responsible for missing of arms and ammunition, which find their way to the hands of extremists/miscreants/criminals.

3. The Superintendent of Police(E), CID, Bihar,



Patna has filed a counter affidavit. It is stated that in pursuance to the order of this Court dated 02.08.2021, details of the progress of the investigation in the referred crimes were called for. With respect to the Samastipur Muffasil Police Station case, 10 persons, who were from the police force itself, were arraigned as accused and on investigation, it was found that 07 of them were involved in the incident. The Investigating Officer has also requested for issuance of arrest warrant against the accused persons. With respect to the Siwan Mufassil Police Station case, disciplinary proceedings were initiated against two Sub-Inspectors and a Constable and punishment has been inflicted on them. With respect to the Konch Police Station case, 18 police personnel were arraigned as accused and Charge Sheet No. 50 of 2019 dated 09.03.2019 had been submitted in the court against five of them. It was also stated that further investigation is going on against some other named persons also. The Senior Superintendent of Police, Darbhanga had reported vide Annexure-D that there was no case of missing arms' cache reported in the District Police Lines.

4. In the counter affidavit, it is also pointed out from Police Manual (Vol-1) that an annual report of arms, ammunition, equipment and stores, as on 31st March previous



year, is to be submitted to the Assistant Inspector General in Police Manual Form No. 169 on the 1st of May by all districts. The certification to be made in the said form is to the effect that the articles are duly accounted for and the balance corrected, with any variation also to be indicated. Strict compliance of the Police Manual Rule is directed through Memo No. 1991 dated 16.08.2021, communicated to all the Range I.G./D.I.G./S.S.Ps and S.Ps. of Bihar. As of now, it is submitted that there is regular compliance of the Police Manual insofar as the certification to be submitted on the close of year.

5. Police Manual Rule Nos. 1096, 1097 and 1098 containing detailed procedure for inspection of arms and ammunition, is also specifically referred to. The responsibility to carry out such inspection has been conferred on the Range DIG/IG and the Arms and Ammunition Inspection Team from the Police Headquarters, Patna would also be carried out. As of now, in every district, officers and men from Armory Cadre have been posted to ensure proper upkeep and maintenance of arms and ammunition. Annexure-F is the detailed report submitted by the Dy.S.P. (Armoury), Central Arms Workshop and Stores, Patna for the last five years, which inspection was carried out by the Central Arms Inspection Team.



6. A supplementary counter affidavit has been filed pursuant to the orders of this Court dated 05.10.2021 regarding the present status of verification of the arms and ammunition and also the investigation in cases. In the Samastipur Mufassil Police Station case, departmental proceedings were initiated against many named accused police officials and four have been dismissed from service after they were found guilty in the disciplinary proceedings. As far as the Siwan Police Station case, it was found that 35 round cartridges were allotted to a police constable and the same were robbed from him, which has also been written off from the district records. A similar article of theft having been revealed in the investigation, has also been placed on record. One pistol, which was found missing, was also deposited in the armory by the allottee, afterwards. The reports of the Superintendents of Police, Samastipur, Siwan and Gaya are produced as Annexure-A, B and C in the supplementary affidavit.

7. We are of the opinion that the department has been cautioned on the subject matter sought to be agitated before this Court in the above writ petition in the nature of Public Interest Litigation. We see that the Police Manual also has sufficient precautionary measures to ensure the proper up



keep of the armouries and enable periodic inspection of the same. Sufficient progress has also been made in the cases registered in Samastipur, Siwan and Gaya Police Stations.

8. We are of the opinion that the writ petition can now be disposed of directing the Department and its officials to ensure due compliance of the Police Manual. The writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.04.2023
Transmission Date	

