

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.601 of 2014

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Vijay Kumar son of Sikandar Yadav, resident of village- Gobindpur, Police Station- Maheshkhunt, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Human Department Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna
3. The Superintendent of Police, Khagaria
4. The Officer-in-charge of Maheshkhunt, P.S. and District- Khagaria
5. Kishore Yadav son of Late Mohit Yadav
6. Bhaskar Yadav son of Late Mohit Yadav
7. Sujay Yadav son of Bridali Yadav
8. Vikas Yadav son of Bridali Yadav
9. Manish Yadav son of Bridali Yadav
10. Rajesh Yadav son of Bridali Yadav
11. Tara Devi wife of Nashib Yadav
12. Kamli Devi wife of Mohit Yadav
13. Sunita Devi daughter of Mohit Yadav
- All resident of village- Gobindpur, P.S.- Maheshkhunt, District- Khagaria
14. Rajendra Yadav son of Anandi Yadav
15. Manju Devi wife of Rajendra Yadav
- Both resident of village- Tulsipur, Police Station- Kharik, District- Naugachhia (Bhagalpur)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Respondent/s : Mr. Chandra Shekhar Singh, A.C. to G.P.-16

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 30-03-2015 The petitioner is informant of Maheshkhunt P.S. Case No.44 of 2011 registered under sections 302 read with 34 and 120B of the Indian Penal Code as well as section 27 of the Arms Act.

2. In the alleged incident in question one Bikram Yadav,

cousin brother of the informant, is said to have been killed by respondent nos. 5 to 15. The grievance of the petitioner in this application is that despite lapse of about four years, the police could not apprehend even one of the accused persons named in the FIR.

3. It has been contended that the entire investigation of the case is tainted and biased. There is no effort on the part of the police to apprehend any of the accused or to bring the aforesaid police case to its logical end.

4. Learned counsel for the State has contested the matter. It has been submitted that the investigation of the case is being conducted in a fair and impartial manner. In course of investigation though the case has been found true but accusation of respondent nos. 5 to 15 has been found to be false. However, efforts are being made by the investigating agency to find out and apprehend the actual culprits.

5. Be that as it may, as *prima facie* no material has come in course of investigation to point out involvement of respondent nos.5 to 15 in the alleged occurrence, it would not be proper for this Court to issue any direction to the investigating agency to apprehend them but while saying so I am conscious of the fact that the investigating agency must try to find out who the offenders are

and take appropriate action against them.

6. True, to hold investigation into a cognizable offence is the statutory right of the police but a committed and sensitive investigating agency is indispensable to the criminal justice system. The police cannot sit tight over the matter for an indefinite period in the name of ongoing investigation. In the present case, it would appear that despite lapse of about four years the police have failed to book the offenders.

7. In that view of the matter, I direct the Superintendent of Police, Khagaria to personally look into the matter and ensure that the investigation is carried out to its logical end without any further delay.

8. With these observations, this application is disposed of.

9. Registry is directed to communicate the order to the Superintendent of Police, Khagaria through Fax.

(Ashwani Kumar Singh, J)

Md.S./-

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