

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.758 of 2014

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Ajay Kumar son of Arjun Prasad, resident of village - Kothiya Ghusuk
Tola - Shahpur , District - Patna .

.... Petitioner/s

Versus

1. The State of Bihar
2. Director General of Police, Head Quarter, old Secretariat, Patna
3. Deputy Inspector Genaral of Police (D.I.G.), Patna Range, Patna
4. Senior Superintendent of Police, North Gandhi Maidan , Patna
5. A.S.P., Danapur, District -Patna
6. Station House Officer (S.H.O.) of Shahpur Police Station, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Narayan Singh, Advocate
For the Respondent/s : Mr. Rajiv Roy, G.P.-V
: Mr. Arun Kumar, A.C. to G.P.-V

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 20-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

On the *fardbeyan* of the petitioner Shahpur P.S. Case
No.72 of 2014 dated 2.4.2014 was registered under sections 395
and 396 of the Indian Penal Code against 8-10 unknown accused.

In the instant application filed under Articles 226 and
227 of the Constitution of India the petitioner has sought for a
direction to the respondents to arrest the real culprits involved in
the aforesaid Shahpur P.S. Case No.72 of 2014.

Learned counsel for the petitioner has submitted that
despite lapse of about one year, the police could not lay its hand

on even one culprit involved in the offence. According to him, the investigation is not being conducted in proper manner.

On the other hand, learned counsel for the State has submitted that he has received instructions into the matter. The police are investigating the case in a fair and impartial manner but unfortunately till date no clue in respect of involvement of any person or gang could be ascertained.

Be that as it may, in my considered opinion a sensitive and committed investigating agency is indispensable to the criminal justice system. True, to hold investigation in a cognizable offence is the statutory right of the police and at that stage the court has no role to play but the investigating agency is duty bound to promptly take all necessary steps to conclude the investigation and submit its report to the Magistrate concerned. It cannot sit tight over the matter of investigation for an indefinite period. When investigation by the State police is not in proper direction, it is always open to this Court to hand over the investigation of the case to an independent and specialized agency. The S.H.O. of the police station and the superior officers supervising the case are obliged to act in accordance with police manual and the Code of Criminal Procedure. They are obliged to be diligent, truthful and fair in their approach and investigation. A

default or breach of duty, intentional or otherwise, can sometimes prove fatal to the cause of prosecution and investigating officer is completely answerable and responsible for the manner and methodology in completing his investigation.

At this stage, learned counsel for the State has intervened and submitted that the supervising officers of the case would certainly look into the matter and take appropriate steps in order to bring investigation of the cases to its logical end at the earliest.

I have no reason to doubt the submissions made by the learned counsel for the State. In that view of the matter, I direct the respondent nos. 4 and 5 to personally supervise the case and take appropriate steps so that a report under section 173 (2) of the Code of Criminal Procedure is filed in the court of Magistrate without any further delay.

With these observations and directions, the application is disposed of.

Let a copy of the order be transmitted to respondent nos.4 and 5 through Fax.

(Ashwani Kumar Singh, J)

Md.S./-

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