

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.881 of 2014

Arising Out of PS.Case No. 730 Year- 2014 Thana -null District- VAISHALI(HAJIPUR)

1. Dr. Surendra Kumar Prasad Son of late Ram Vicahar Prasad, Resident of Mohalla - Hariji Ka Hatta, Ara, P.S. Ara - Nawada, District - Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Government of Bihar, Patna
2. The Chief Secretary Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The DIG, Tirhut Division, Muzaffarpur, District - Muzaffarpur.
5. The DIG Patna Range, District - Patna.
6. The Senior S.P. District - Patna.
7. The Town S.P. Patna, District - Patna.
8. The Senior S.P. Vaishali at Hazipur.
9. The Vice Chancellor, Chanakya National Law University, Nayaya Nagar, Mithapur, P.S. - Jakkanpur, District - Patna.
10. The Registrar Chanakya National Law University Nayaya Nagar, Mithapur, P.S. - Jakkanpur, District - Patna.
11. The Director, Chanakya National Law University Nayaya Nagar, Mithapur, P.S. - Jakkanpur, District - Patna.
12. The Warden / Hostel Superintendent Boys Hostel, Chanakya National Law University, Nayaya Nagar Mithapur, P.S. - Jakkanpur, District - Patna.
13. Aditya Khampadia Son of not known 3rd year student of Chanakya National Law University, Mithapur, Patna.
14. Madhukar Son of Manvendra Kumar 3rd year student of Chanakya National Law University, Mithapur, Patna.
15. Ujjawal Singh son of not known 3rd year student of Chanakya National Law University, Mithapur, Patna.
16. Sriman @ Rajesh Kumar son of not known 3rd year student of Chanakya National Law University, Mithapur, Patna.
17. Jaswant Singh son of not known 3rd year student of Chanakya National Law University, Mithapur, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar No.1, Advocate
For the Respondent/s : Mr. Nadeem Seraj, GP-20
Mr. Chandan Kumar Kashyap, Advocate
Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-09-2015

The Petitioner, who is the Informant, seeks an unbiased investigation in the case instituted for the alleged murder of two children studying in a local College vide Hazipur Town P.S. case

No.730 of 2014 pending in the court of Chief Judicial Magistrate, Vaishali at Hajipur.

It has been submitted that the case was not properly investigated and hence final report was submitted on the basis of such deficient investigation. He no doubt filed a protest petition but he submits that since he does not have an investigating agency at his disposal it would be difficult for him to bring any material in support of allegations, the case being one of circumstantial evidence where circumstances have to be collected by an investigating agency.

It appears that a series of orders were passed which in the interest of justice should be ignored in the present circumstances.

Since the Magistrate has the power to look into the case diary and thereafter conclude that further investigation is required under Section 173(8) Cr.P.C., I would expect the Magistrate to look into the records and thereafter pass an appropriate order within a period of four weeks from the date of receipt of this order.

With the aforesaid observations, the application stands disposed of.

(Anjana Prakash, J)

Narendra/-

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