

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.992 of 2014

Arising Out of PS.Case No. -354 Year- 2013 Thana -Kanti District- MUZAFFARPUR

1. Bali Ray Son of Late Ranu Ray Resident of Village - Mahmada (Godam), Police Station - Mehshi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Deputy Superintendent of Police, Muzaffarpur (West), Muzaffarpur.
7. The Officer in- Charge, Kanti Police Station, District- Muzaffarpur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Sumant Kumar Singh, A.C. to GA-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-04-2015

The petitioner is informant of Kanti P.S.Case No. 354 of 2013 registered under section 302 read with 34 of the Indian Penal Code and 27 of the Arms Act.

This application has been filed under Articles 226 and 227 of the Constitution of India for issuance of a mandamus to respondent no.2 to immediately change the Investigating Officer in the aforesaid police case. It has also been prayed that an appropriate direction be issued to the respondents to hold independent, fair and impartial investigation in the case of murder of grandson of the

petitioner, namely, Monu Kumar so that real culprits behind the killing are arrested and produced before the court.

Learned counsel for the petitioner has submitted that though the alleged incident took place on 5th October, 2013, but till date, no arrest has been made by the police. According to him, the investigation is not being conducted in a fair and impartial manner. The investigating agency is sitting tight over the matter and the real culprits involved in the case have not been arrested so far.

On the other hand, learned counsel for the State has contested the matter and submitted that the instant application is devoid of any merit as the police have made an all out effort to apprehend two accused, namely, Pankaj Mishra and Badal Mishra @ Chandan Mishra, whose involvement has been found in the alleged incident. As they are evading arrest, a requisition was made in the court for issuance of processes under sections 82 and 83 of the Code of Criminal Procedure and after obtaining order of the competent court for attachment of the properties, the properties of the accused Pankaj Mishra and Badal Mishra @ Chandan Mishra, both sons of Dilip Mishra of village Paltu Belwa, P.S. Chakia have been attached. The police have already submitted charge sheet against them, vide Charge Sheet No.59 of 2015.

Regard being had to the facts and circumstances of the

case, this application is disposed of with a direction to the Investigating Officer of the case to take all possible steps to apprehend the culprits involved in the case.

(Ashwani Kumar Singh, J)

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