

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.659 of 2014**

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Ram Prakash Pandey, Son of Late Ram Chandra Pandey, Resident of Village -  
Bhalua, Dumuhan Cherki Road, Police Station - Bodh Gaya, District - Gaya

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Magadh Range, Gaya
4. The Collector, Gaya
5. The Superintendent of Police, Gaya
6. The Thana In-charge, Bodh Gaya, Gaya
7. The Superintendent of Police, Central Bureau of Investigation, Patna
8. The Director, Forensic Laboratory Bailey Road, Patna

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Vishal Saurabh, Advocate  
Mr. Sandeep Patil, Advocate

For the Respondent/s : Mr. Vinay Kumar Verma, AC to GA-3

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 24-03-2015**

Heard learned counsel for the petitioner and learned  
counsel for the State.

Bodh-Gaya P.S. Case No. 32 of 2014 dated 8.2.2014  
was registered on the basis of fardbeyan made by one Kunti  
Kumari, sister of the petitioner for the offence under Section 396 of

the Indian Penal Code.

The prayer of the petitioner in para 1 of the application filed under Articles 226 and 227 of the Constitution is as under:-

“1. That the petitioner has sought the indulgence of this Hon’ble Court in this writ application for issuance of an appropriate writ or writs, direction or directions to the respondents for the following reliefs:-

- (i) For direction to the Respondents to make the investigation related to triple murder case in Bodh-Gaya P.S. Case No. 32 of 2014 fairly and from an independent investigating Agency or Central Bureau of Investigation or to make judicial inquiry.
- (ii) For direction to the respondents to preserve the materials collected by the investigating team so far.
- (iii) For direction to the respondent to furnish the Viscera report as early as possible.
- (iv) For direction to the respondents to provide sufficient security to the petitioner and his family members as well as the property at the cost of the Government.
- (v) Any other relief or relief to which the petitioner is entitled may kindly be given to the petitioner.”

Learned counsel for the petitioner has submitted that two unmarried daughters aged about 23 years and 25 years and wife aged about 57 years as well as sister aged about 65 years of the petitioner were brutally assaulted by the criminals, as a result of which, the daughters of the petitioner died on the spot and wife of

the petitioner had succumbed to her injury and died in the hospital in course of treatment on 11<sup>th</sup> February, 2014.

On the basis of fardbeyan of aforesaid Kunti Devi, a police case was registered more than a year ago but, there is no progress in the investigation of the case. The petitioner suspects the bona fide of investigation because no accused persons could be arrested by the police so far.

Learned counsel for the petitioner has submitted that the petitioner believes that the accused persons first committed rape upon his both the daughters and out of fear to have been identified, they killed them as well as his wife so that they could not be identified.

It is in this background that the petitioner seeks relief that the investigation of the case be handed over to an independent agency or Central Bureau of Investigation so that the real culprits may be brought to book.

*Per contra*, learned counsel for the State has submitted that the allegations made by the petitioner in respect of bona fide of investigating agency are misconceived and baseless. The investigation is being conducted in a fair and impartial manner. On 8.2.2014 itself, the then Superintendent of Police, Gaya had inspected the place of occurrence in presence of the Deputy



Superintendent of Police (Law & Order), Gaya and Police Inspector cum-SHO Bodh Gaya and had issued certain directions to the investigating officer. He has submitted that in view of seriousness of the aforesaid case, the then Superintendent of Police, Gaya has constituted a nine member special investigating team under the leadership of the City S.P. Gaya for speedy investigation vide order dated 10.02.2014. A team of Forensic Science Laboratory, Patna has also scientifically inspected the place of occurrence and collected the material exhibits which have been sent to the Director, Forensic Science Laboratory, Bihar, Patna vide memo nos. 404, 405, 406 and 407 dated 13.02.2015 and 18.02.2015.

He has further submitted that recently the investigating officer has received certain information regarding involvement of a gang of Uttar Pradesh in the alleged incident and steps are being taken to apprehend the real culprits.

Be that as it may, to hold investigation into a cognizable offence is the bounden duty of police. They cannot sit tight over the matter. They have to make all out efforts to unearth the mystery relating to multiple murders. It is their prime job to identify the culprits involved in the crime and book them without any delay. It is true that certain steps have been taken by the police but those steps are not sufficient enough to convince me that the investigation

is prompt and sensitive. A sensitive and committed investigation agency is indispensable to the criminal justice system. It is a serious case in which three members of a family have lost their life.

The Senior Superintendent of Police, Gaya is directed to personally supervise the case and ensure that the investigation of the case is brought to its logical end without any undue delay.

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

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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