

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.891 of 2014

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Vijay Sao, son of Late Rooplal Sao, r/o Village- Raisa, P.S. Chandi,
District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Patna Range, Patna.
6. The District Magistrate, Nalanda at Biharsharif.
7. The Superintendent of Police, Nalanda at Biharsharif.
8. The Deputy Superintendent of Police, Hilsa, Nalanda.
9. The Officer In-charge, Chandi Police Station, Nalanda.
10. Sri B. Pandey, Sub-Inspector of Police, Chandi Police Station (I.O. of Chandi P.S. Case No. 175 of 2011).

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate.
For the Respondent : Md. Haroon Qureshi, AC to SC- 18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 21-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petition has been filed with a prayer
for directing the investigation of Chandi P.S. Case No. 175 of
2011 to be handed over to the C.B.I. or any other independent
agency as the matter is not being properly investigated by the local
police and the petitioner's son still remains traceless after almost
four years since he disappeared.

3. It is submitted on behalf of the petitioner that
when despite the F.I.R. being instituted no proper step was being



taken by the police, a habeas corpus application in Cr. W.J.C. No. 1060 of 2013 was filed. Galvanised into action, the police finally arrested the accused persons but however compulsive bail had to be granted as the investigation was not concluded. With the disposal of the aforesaid writ petition, the police once again appeared to have fallen into inaction and lethargy.

4. It is well settled that matters of investigation into offences lie within the exclusive domain of the police and ordinarily the Court will not interfere in the matter.

5. In the instant case however the Court expresses dismay that investigation has not yet been concluded for more than three and half years since the F.I.R. was instituted and despite arrests being made, the accused persons had to be granted compulsive bail. The prayer of the petitioner for handing over the investigation to alternative agencies such as the C.B.I. however cannot be acceded to as the principles in that behalf are well settled by the Hon'ble Apex Court in (2010) 3 SCC 571 (State of West Bengal and others vs. Committee for Protection of Democratic Rights, West Bengal) and A.I.R. 2011 SC 3010 (T.C. Thangaraj vs. V. Eryemmal and others). The instant case clearly does not come within the parameters laid down therein, as the same does not involve international or national ramification.

6. It is expected that the police will act with conscious regard of its statutory duty and conclude the investigation expeditiously. Needless to say, it shall also leave no stone unturned in its efforts to recover the petitioner’s son who still remains traceless. This would go a long way in instilling confidence in policing in the mind of the public at large.

7. With the aforesaid observation, the writ petition stands disposed.

(Vikash Jain, J)

Md. Ibrarul/-

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