

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.167 of 2014

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

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Shiv Kumar Pandey @ Dablu Pandey, son of Raghwanand Pandey, resident of Village Bilap, P.S. Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. Superintendent of Police, Patna
4. Rural Superintendent of Police, Patna
5. Deputy Superintendent of Police, Danapur
6. Officer Incharge of Bihta Police Station, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam

For the Respondent/s : Mr. Amarendra Kumar, A.C. to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-01-2015

By filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a mandamus to be issued by this Court to the Officer-in-Charge of Bihta Police Station (Respondent No.6) for concluding the investigation of Bihta P.S.Case No. 42 of 2012 dated 15.02.2012 registered for the offences punishable under sections 364, 302, 201 and 120(B) of the Indian Penal Code.

It has been contended that the son of the petitioner, namely, Nilesh @ Mantu Kumar Pandey was kidnapped on 12th February, 2012 and was done to death for which the aforesaid case was registered against one Sushil Kumar Singh. After institution of the

F.I.R., investigation was conducted into the case and the police submitted charge sheet against the named accused Sushil Kumar Singh but kept the investigation open in respect of other accused suspected to be involved in the crime.

Learned counsel for the petitioner has submitted that despite lapse of about three years the police have not concluded the investigation and certain accused involved in the crime are being shielded by the investigating agency.

On the other hand, learned counsel for the State has submitted that the investigation of the case is being conducted in a fair and impartial manner. He undertakes that the investigation would be concluded within a reasonable time.

Be that as it may, a sensitive and committed investigating agency is indispensable to the interest of justice. To hold investigation in a cognizable case is the statutory right of the police. It is well settled that at the stage of investigation the Court has no role to play. However, the investigating agency must properly take all necessary steps, conclude the investigation and submit its report to the Magistrate concerned. It cannot sit tight over the matter of investigation for an indefinite period.

In view of the undertaking given by the learned counsel for the State, I direct the Superintendent of Police, Patna (Rural)

(Respondent no.4) to look into the matter personally and take appropriate steps in order to bring the investigation of the case to its logical end at the earliest.

With these observations, the writ petition is disposed of.

The Registry is directed to send a copy of the order to Respondent no.4 forthwith.

(Ashwani Kumar Singh, J)

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