

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.227 of 2014

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Lalan Singh, S/o Late Bachu Singh, Resident of Village- Samastpura, P.O.-
Gamharia, P.S.- Mashrak, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, Patna
2. Superintendent of Police Chapra, P.O.- Chapra, P.S.- Chapra Town, District- Saran at Chapra
3. The Officer - in – Charge, Bhagwan Bazar Police Station, P.O.& P.S.- Bhagwan Bazar, District- Saran at Chapra
4. Sri Mithilesh Kumar, Sub- Inspector of Police, Bhagwan Bazar Police Station, at and P.O.- Chapra, District- Saran Being I.O. Of Bhagwan Bazar, P.S. Case No. 228/2013

.... Respondents

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Siddhartha Prasad, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-02-2015

The petitioner is informant of Bhagwan Bazar P.S. Case No. 228 of 2013 dated 26.12.2013 registered under Sections 302 and 379 read with 34 of the Indian Penal Code as well as 27 of the Arms Act. The prayer of the petitioner in para 1 is as under:-

“1. That the petitioner seeks the following reliefs

through the present writ application:-

1.1. To issue a writ of Mandamus commanding the respondents to discharge their legal obligation to book the real culprits of Bhagwan Bazar P.S. Case No. 228 of 2013 in accordance with law and without any further delay.

1.2. To issue a further writ of Mandamus commanding the respondents to discharge their legal obligation to conclude the investigation of Bhagwan Bazar P.S. Case No. 228 of 2013 and to submit final report under Section 173(2) of the Code of Criminal Procedure in accordance with law.

1.3. To change the investigation officer namely respondent no. 4 to ensure impartial investigation of the Bhagwan Bazar P.S. Case No. 228 of 2013 dated 26.12.2013.

1.4. Alternatively, to entrust the investigation to an independent investigation Agency namely CBI with further direction to conclude the investigation at the earliest.

1.5. To any other relief(s) for which the petitioner may be found entitled to.”

The contention of the petitioner is that the investigating officer has adopted a dilatory tactics in the investigation of the police case and he is helping the accused persons to tamper with the evidence and to concoct defence evidence to make out case for easy escape from consequence of the crime.

It has also been contended that the investigating officer has failed to record the statement of the informant and his witnesses.

Learned counsel for the State has contested the matter. He has submitted that the allegations being made by the petitioner against the investigating agency are not correct. It is true that in this occurrence, son of the petitioner was murdered but after institution of the FIR, the investigating officer of the case has collected evidences against the accused persons. The Supervising Officer has also supervised the case and recorded statement of the petitioner and other prosecution witnesses. The case has been found true against the accused Awadhesh Rai and Lalit Rai and attempts are being made to apprehend them. Both the accused are evading arrest and, as such, requisite for issuance of warrant of arrest against the accused persons has been filed in the Court of the learned Chief Judicial Magistrate, Saran. So far as the accused Vikky Rai is concerned, the investigating agency is trying to find out the real facts about his involvement in the present case.

Having regard to the facts and circumstances of the case, I direct the Superintendent of Police, Saran at Chapra to personally look into the matter and ensure an early conclusion of investigation. He shall ensure that on conclusion of investigation a police report under Section 173(2) of the Code of Criminal Procedure is filed in the Court without any delay.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J.)

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