

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

**Criminal Writ Jurisdiction Case No.1146 of 2013**

Arising Out of PS.Case No. -171 Year- 2013 Thana -Hisua District- NAWADA

1. Awadh Singh Son Of Late Saligram Singh Resident Of Village- Panchu (Babhan Toli), P.S.- Hisua, District- Nawada

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Director General Of Police, Bihar, Patna
3. The Deputy Inspector General Of Police, Magadh Range, Gaya
4. The Superintendent Of Police, Crime And Investigation Department, Bihar, Patna
5. The Superintendent Of Police, Nawada
6. The Deputy Superintendent Of Police, Nawada
7. The Officer-In-Charge-Cum- S.H.O., Hisua, Nawada
8. The Assistant Sub Inspector (I/O) Police Station Hisua, District- Nawada
9. Ajit Malaakar Son Of Ramadhin Malakar Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
10. Ranjit Malakar Son Of Ramadhin Malakar Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
11. Meena Devi Wife Of Ramadhin Malakar Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
12. Tinku Malkar Son Of Ramadhin Malakar Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
13. Sujita Kumari Daughter Of Ramadhin Malakar Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
14. Guddu Mistri Son Of Mahendra Mistri Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
15. Umesh Maharaj @ Bhaso Maharaj Son Of Late Hari Maharaj Resident Of Mohlla- (Babhan Toli, Panchu- Hisua), P.S.- Hasua, District- Nawada
16. Istekhar Alam Son Of Saheb Jan Resident Of Mohalla- Khankhanapur, Panchu, Hasua, P.S.- Hasua, District- Nawada

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Devendra Prasad Singh, Adv.

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-15

Mr. Rakesh Ambastha, A.C. to AAG-15

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

**ORAL JUDGMENT**

**Date: 23-01-2015**

This criminal writ application has been filed by the  
petitioner under Articles 226 and 227 of the Constitution of India for



issuance of a direction to the respondents to conduct true and fair investigation of the case bearing Hisua P.S.Case No.17 of 2013 dated 9<sup>th</sup> February, 2013. The further grievance of the petitioner is that despite lapse of about two years, the police have failed to submit a report in the court under section 173 of the Code of Criminal Procedure. The aforesaid F.I.R. has been instituted for the offences punishable under sections 279 and 304A of the Indian Penal Code on the basis of fardbeyan of the petitioner.

According to the F.I.R., the son of the petitioner met with a fatal road accident on 8<sup>th</sup> February, 2013. The informant has alleged that some unknown motorcyclist had dashed down the son of the petitioner in a rash and negligent manner as a result of which he died. However, subsequently the petitioner suspected that his son might have been killed by some unknown criminals in a planned manner.

Be that as it may, to hold investigation in a criminal case is the statutory duty of the police. At this stage the Court has no role to play. However, the investigating agency cannot sit tight over the matter of investigation for an indefinite period. A prompt, committed and sensitive investigation is need of the hour.

Having regard to the facts and circumstances of the case, I direct the Superintendent of Police, Nawada to personally look

into the matter and supervise the case, if necessary, and ensure speedy conclusion of investigation of the case. In any case, the investigation of the case must be brought to an end within three months from the date of receipt/production of a copy of the order. It is made clear that it would be open to the investigating agency to submit such report as may deem fit and proper on the basis of materials collected in course of investigation.

With these observations, the application is disposed of.

Registry is directed to communicate the order to the Superintendent of Police, Nawada forthwith.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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