

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.399 of 2014**

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Triloki Sah son of Radheshyam Sah, resident of village Ghaghwa Rupahi,  
P.S. Dhanha, District -West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police Bagaha, District- West Champaran.
4. The Officer-in-charge Dhanha Police Station, District- West Champaran.
5. The Deputy Inspector General of Police, Bettiah, West -Champaran.
6. The Inspector General of Police, Muzaffarpur, Bihar.
7. Manoj Tiwari son of Ramadhar Tiwari, resident of village- Ghaghwa, Piparwaha Tola, P.S. Dhanha, District- West Champaran.
8. Binod Tibrewal son of Late Haridwar Tibrewal
9. Prakash Tibrewal son of Late Gobind Tibrewal  
Both resident of village Sahebganj, Padrauna, P.S. Kotwali Padrauna, District Kushi Nagar (U.P.).
10. Sohel Yadav son of Late Ghurbhari Yadav
11. Hari Lal Yadav son of Bindeshwari Yadav  
Both resident of village- Siswa, P.S. Dhanha, District-West Champaran.
12. Braj Mohan Pal son of Late Parmeshwar Pal
13. Adalat Pal son of Late Parmeshwar Pal  
Both resident of Ghaghwa Rupahi, P.S. Dhanha, District West Champaran.
14. Ramjee Sah son of Late Swaminath Sah, resident of village- Ghaghwa, P.S. Dhanha, District West Champaran.
15. Chokat Ram son of Akalu Ram
16. Bharat Pal son of Late Rekha Pal  
Both resident of village- Ghaghwa Rupahi, P.S. Dhanha, District West Champaran.

.... .... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : Mr. R.S. Sahay, Advocate                  |
|                      | : Mr. Vijay Kumar Singh No. 1               |
| For the State        | : Mr. Sanjay Pandey, G.P.-21                |
|                      | : Mr. Vivek Anand Amritesh, A.C. to G.P.-21 |

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

3      03-03-2015      Heard learned counsel for the petitioner and learned  
counsel for the State.

On the basis of oral statement of the petitioner, Dhanha

P.S.Case No. 6 of 2013 was registered on 14.1.2013 under Sections 302 read with 34 of the Indian Penal Code and 27 of the Arms Act against respondent nos. 7 to 16 for committing murder of the mother of the petitioner.

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents concerned to take necessary legal action against respondent nos. 7 to 16 and to take them in custody in the aforesaid Dhanha P.S. Case No. 6 of 2013. The petitioner has further prayed for a direction to be issued to the official respondents to carry out the investigation of the case in a proper manner and in the alternative the case be transferred to another police station so that a just and proper investigation be conducted in the case.

The petitioner has submitted that the investigating agency is conniving with the accused persons. Though the FIR was registered on 14<sup>th</sup> January, 2013 but the investigation of the case is at an early stage. The accused persons are roaming free and the petitioner and his family are under constant pressure to compromise the case. He has submitted that the investigation by the local police is not in proper direction and, hence, this Court should hand over the investigation of the case to an independent

and specialized agency like C.B.I.

On the other hand, learned counsel for the State has submitted that there is no truth behind the allegation made in the application. The investigation of the case is being conducted in a fair and impartial manner. One of the accused, namely, Bharat Pal was arrested on 15<sup>th</sup> January, 2013 and was produced before the learned Chief Judicial Magistrate. So far as other accused persons are concerned, the investigation of the case is going on and steps are being taken to find out the truth with respect to their involvement in the case.

Be that as it may, to hold investigation in a cognizable case is the statutory right of the police, but the SHO of the police station and the investigating agency who are dealing with the investigation of Dhanha P.S. Case no. 6 of 2013 would be obliged to act in accordance with the police manual and the Code of Criminal Procedure. They are obliged to be diligent, truthful and fair in their approach and investigation. A default or breach of duty intentionally or otherwise, can sometimes prove fatal to the case of the prosecution and investigating officer is completely answerable and responsible for the manner and methodology. A sensitive and committed investigating agency is indispensable to the interest of justice.

Considering the facts and circumstances of the case, I direct the Superintendent of Police, Bagaha to personally look into the matter and take appropriate steps in order to bring the investigation of the case to its logical end at the earliest.

It is made clear that it would be open to the investigating agency to submit such report as it considers appropriate, having regard to the facts and circumstances of the case and result of the investigation.

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

Registry is directed to communicate the order to the Superintendent of Police, Bagaha through Fax.

**(Ashwani Kumar Singh, J)**

Md.S./-

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