

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.390 of 2014

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1. Prabhawati Devi Wife of Banwari Yadav Resident of Village - Babu Bishunpur, P.S.-Yadopur, Dist.-Gopalganj,

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Inspector General of Police, Saran at Chapra
3. The Superintendent of Police, Gopalganj
4. The Sub Divisional Police Officer, Gopalganj
5. The Officer-in-Charge, Yadopur P.S. Gopalganj
6. Binda Rai Son of Shankar Rai
7. Pintoo Kumar Rai Son of Binda Rai
8. Santosh Rai Son of Binda Rai
9. Guddu Rai Son of Binda Rai
10. Pankaj Kumar Rai Son of Binda Rai
11. Rajendra Rai Son of Late Bhagwan Rai
12. Jalu Kumari Daughter of Binda Rai
13. Anu Kumari Daughter of Rajendra Rai all Resident of Village - Babu Bishunpur, P.S. Yadopur, Dist.-Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Respondent/s : Mr. Kumar Priya Ranjan (Sc23)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-01-2015 The petitioner is the informant of Yadopur P.S. Case No. 7 of 2014 dated 16th January, 2014 registered for the offences punishable under sections 447, 341, 323, 324, 325, 307, 354, 354A and 302 read with 34 of the Indian Penal Code.

Being aggrieved by the undue delay caused in the investigation of the case, the instant application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing respondent nos.2 to 5 to take action against

respondent nos. 6 to 14 in accordance with law and to conclude and complete the investigation also against them without further delay in the aforesaid police case.

It has been contended that in a serious case of murder, despite lapse of about one year, the police is sitting tight over the matter. The accused persons have yet not been apprehended and the investigation of the case is not being conducted in a proper manner.

On the contrary, learned counsel for the State has submitted that the police have not favoured anyone and investigation of the case is being conducted in a fair and impartial manner.

Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. At this stage, the Court has no role to play. Simply because some persons are named in the F.I.R., it would not be proper for this Court to issue any direction to the police to apprehend them. Section 41 of the Code of Criminal Procedure gives power to the police to arrest any person, who is accused in a cognizable offence, but the police may defer the arrest on the basis of materials collected in course of investigation. The investigating agency is not expected to act mechanically in all cases to arrest the accused named in the F.I.R.

However, while saying so, I am mindful of the fact that an investigation into a case has to be done in a fair and impartial manner without inordinate delay. A prompt, committed and sensitive investigating agency is need of the hour. Since the police case is still under investigation, I say no more.

With the aforesaid observations, the writ petition is disposed of.

Let a copy of this order be sent to the Superintendent of Police, Gopalganj for needful.

(Ashwani Kumar Singh, J)

Pradeep/-

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