

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47712 of 2014

Arising Out of PS. Case No. -34 Year- 2008 Thana -KATRA District- MUZAFFARPUR

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RAM SEWAK SAH SON OF LATE PARAN SAH RESIDENT OF
VILLAGE - NAWADA POLICE STATION KATRA, DISTRICT
MUZAFFARPUR.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Anal, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

07 08-07-2015 Heard learned counsel for the petitioner as well as
learned Principal Additional Advocate General apart from having
physical presence of Senior Superintendent of Police, Muzaffapur
along with show cause on his behalf.

Before coming to merit of the case, the present case
relates with an offence allegedly committed in the year 2008
containing an allegation that the relief articles which were to be
disbursed amongst the flood victims were siphoned and on
account thereof, it happens to be a case under Section 406, 409,
420, 120B IPC, 7 of the E.C. Act. Unfortunately, the investigation
continued without any progress covering seven precious year



whereupon vide order dated 22.5.2015 it was required at the end of the Superintendent of Police to answer “why and under what circumstance the investigation of Katra P.S. Case No.34 of 2008 remained pending” and to utter surprise, knowing full well that Katra Police Station was not within the jurisdictional avenue of City, Superintendent of Police, Senior Superintendent of Police, directed him to represent and that happens to be reason behind lacking at proper and accurate response. Accordingly, physical presence of Senior Superintendent of Police, Muzaffarpur has been required and for that, he was so directed vide order dated 07.07.2015. Accordingly, appearance has been and that happens to be reason behind appearance of learned Principal Additional Advocate General in his rescue.

Apart from submitting unconditional apology, it has also been submitted that within 24 hours charge sheet is going to be filed. This is not answer as well as should not be function of a Superintendent of Police. After all, being incharge of the district hence should be sensitive and sincere at least towards speedy investigation which, certainly curtails the fundamental right of an accused who is yet to be convicted by a court of justice and in likewise manner, there should not be apathy towards the victim, who happens to be sufferer. Balance should be maintained and for that, Superintendent of Police, being head of the institution, is

bound to encapsulate. Be that as it may, it is expected at the end of the Superintendent of Police henceforth to be vigilant. Hence, show cause is accepted.

Now coming to merit of the case, it is apparent that save and except having the foodgrains kept in the godown of the petitioner by the authorities nothing more has been collected till today and on account thereof, petitioner Ram Sewak Sah is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned SDJM, (East) Muzaffarpurin connection with Katra P.S. Case No.34 of 2008 in the event of his arrest / surrender within four weeks from production / receipt of the order in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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