

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.240 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Rohini Ranjana wife of Sri Punit Jain and daughter of Late Biresh Ranjan, Resident of Road No. 3, Rajendra Nagar, P.S- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Patna Zone, Patna.
3. The Senior Superintendent of Police, Patna.
4. The City Superintendent of Police, Patna
5. The then S.H.O of Gandhi Maidan Police Station, Patna and the present S.H.O, of Gandhi Maidan Police Station, Patna.
6. The Bankipur Club Private Ltd. Patna through its Secretary Mahesh Agrawal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate

For the Respondent/s : Mr. Avinish Nandan Sinha. G.P.-XI

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 02-02-2015

The petitioner is informant of Gandhi Maidan P.S.

Case No.34 of 2014 dated 23.1.2014 registered for the offence punishable under section 302 of the Indian Penal Code. The said police case was registered against known accused.

From a bare reading of the written report it would appear that the informant came to know that her father died at about 1 a.m. on 23rd January, 2014 in Bankipur Club, Patna. When she reached at the place of occurrence at about 5.30 a.m., she found her father lying on the floor inside the

club. Some bleeding was also noticed by her from his eyes, nostrils and ears. She suspected that her father had been killed by some unknown persons.

Being aggrieved by slow pace of investigation, the petitioner has approached this Court in writ jurisdiction under Articles 226 and 227 of the Constitution of India. The prayer of the petitioner in paragraph-1 of the application is as under:-

“1.That this Criminal Writ application is being filed on behalf of the petitioner above named for a direction to the respondent authorities to:

I. To investigate the matter in its totality and to come to a cogent conclusion in the present case.

II. In the alternative, a direction to an independent body to fairly investigate the present case in order to reach a cogent conclusion.

III. In the facts and circumstances of the case, this Hon’ble Court may direct the investigative agency/respondent authorities to investigate the case and apprise this Hon’ble Court of the progress in the investigation in order to prevent miscarriage of justice.

IV. For any other relief or reliefs to which the petitioner may be entitled by virtue of filing of the present writ application.

Learned counsel petitioner has submitted that till date the police have not been able to come to a definite

conclusion regarding the cause of death of the father of the petitioner. He has raised suspicion against impartiality of the investigation. He submits that the police are deliberately trying to protect some influential person, who may be involved in the offence.

On the other hand, learned counsel for the State has submitted that the investigation of the case is being conducted in a fair and impartial manner. According to him, till date the police have not been able to come to any definite conclusion as to whether it was a case of natural death or it was a homicidal death. The doctor, who has conducted autopsy has also not given any definite opinion regarding the cause of death of the father of the petitioner. He has further submitted that the viscera has been preserved and the same has been sent for chemical examination and the report of the viscera is awaited. He has contended that the police have made sincere efforts to bring the case to its logical end by making endeavour to reveal the true facts.

Be that as it may, having regard to the facts and circumstance of the case, I am not inclined to entertain the present application for the simple reason that each case has its own complexity. Sometimes investigation of a cognizable case may take a longer time but that by itself



would not give any reason to doubt the *bona fide* of investigation. However, a sensitive and committed investigation agency is indispensable to the interest of justice.

Since the case is at the stage of investigation and there is no reason for me to doubt the impartiality of investigation, I am not inclined to entertain the present application.

Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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