

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.703 of 2014

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Mankeshwar Rai son of Late Sarju Rai, resident of village- Kharsal Jugdiya,
P.S. - Madhuban, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Motihari, East Champaran.
3. The Deputy Superintendent of Police, Pakaridayal, Sikrahana, Motihari,
East Champaran.
4. The Officer-in-charge Madhuban Police Station, East Champaran.
5. The Investigating Officer of Madhuban Police Station Case No. 142/2013
6. Suresh Prasad
7. Hardev Prasad
Both sons of Shiv Dayal Prasad
8. Devendra Prasad son of Hardev Prasad
All are residents of village-Kharsal Jugdiya, P.S.-Madhuban,
District- East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Rajiv Roy, G.P.-5
: Mr. Arun Kumar, A.C. to G.P.5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

4 23-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is informant of Madhuban P.S.
CaseNo.142 of 2013 dated 6.8.2013 registered under section 302
read with 34 of the Indian Penal Code.

This application has been filed by the petitioner for
commanding the opposite party particularly opposite party no.5
(I.O. of Madhuban P.S. Case No.142 of 2013) to expedite the

investigation of the said police case and investigate the same as early as possible and submit police report under section 173 of the Code of Criminal Procedure.

It has been contended that the said police case was instituted on 6.8.2013. After institution of the said FIR, the investigating officer of the case is taking no interest in concluding the investigation and apprehending opposite party nos.6 to 9, who are moving freely.

Learned counsel for the State has contested the matter. He has submitted that the investigation of the case is being conducted in a fair and impartial manner. Earlier, the accused persons were evading arrest but, by now, three accused persons, namely, Hardeo Prasad, Devendra Kumar and Navin Prasad have either surrendered in the court or apprehended by the police and produced before the Magistrate. One of the accused, namely, Suresh Prasad is evading arrest. The police have executed process of attachment against him in presence of the Magistrate. He has submitted that the police report under section 173(2) of the Code has already been submitted in the court of the Magistrate against the three accused persons, who were remanded to judicial custody. So far as accused Suresh Prasad is concerned, the police have yet to submit their report as his custodial interrogation is warranted.

Having regard to the facts and circumstances of the case,
I have no reason to doubt the bona fide of the investigating
agency.

I hope and trust that the investigating agency would take
all possible steps to nab the respondent no.6, namely, Suresh
Prasad, who is evading arrest and bring the investigation of the
case to its logical end.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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