

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1134 of 2014

- =====
1. Baleshwar Narayan Singh, Son of Shabhu Nath Singh, Resident of village- Supriya Cinema Road Kamalnath Nagar Bettiah, P.S.- Bettiah, District- West Champaran.
 2. Gauhar Anjum, Wife of Rafi Ahmad Khan, Resident of Mohalla- Chawani, Bettiah, P.S.- Bettiah, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, Sadar Motihari, District-East Champaran, Motihari.
4. Additional Public Superintendent, Sadar Motihari, District- East Champaran Motihari.
5. The Officer-in-Charge Sugauli Police Station, District- East Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 14-07-2015 Heard learned counsel for the petitioners, learned AC to SC-15 for the State and learned counsel for the Pramukh of Sugauli Block.

The present application is directed against Memo No. 2432 dated 18.08.2014 by which the Additional Superintendent of Police, Sadar, Motihari has directed for arresting the petitioners inspite of the fact that earlier in Memo No. 3063 dated 05.12.2013, the Superintendent of Police, East Champaran had directed that the accused including the petitioners be not arrested till further investigation and evidence coming against them.

Learned counsel for the petitioners takes a

category stand that after the direction of the Superintendent of Police, no fresh evidence has come against the petitioners to warrant their arrest and despite that the Additional Superintendent of Police has acted in an arbitrary manner.

Learned counsel has drawn the attention of the Court to Annexure-6 of the Interlocutory Application No. 965 of 2015 which is the supervision report of the Superintendent of Police, East Champaran dated 11.03.2015 in which he has given certain directions relating to the investigation and has clearly indicated that the matter relating to the allegation against the petitioners needed to be verified from the relevant records. Learned counsel submits that till date such direction has not been followed.

Learned counsel for the State submits that the investigation be allowed to continue and the Superintendent of Police may be directed to ensure that the investigation is done in a free and fair manner. Learned counsel appearing for the Block Pramukh does not oppose the holding of free and fair inquiry by the police.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court deems it appropriate to dispose off the application with a direction to the Superintendent of Police, East Champaran to ensure that the investigation is carried out in a free and fair manner in accordance with law and the directions

given by him in his supervision note as contained in Memo No. 1799 dated 11.03.2015. Thereafter, the matter shall be placed before him by his subordinates and he shall take a final decision with regard to the ultimate police report which has to be submitted before the Court. Till that time, the petitioners shall not be arrested. The Superintendent of Police, East Champaran shall personally monitor the matter and ensure that the investigation, as per his directions, is completed expeditiously.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--