

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1206 of 2015

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

Sumitra Devi wife of Yugal Yadav, resident of village - Bhagwatipur (Kobi Chauk), P.S. - Singhbara, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Darbhanga.
 2. The Senior Superintendent of Police, Darbhanga, District - Darbhanga.
 3. The Deputy Superintendent of Police, Sadar Darbhanga.
 4. The Deputy Inspector General of Police, Darbhanga at Laheriya Sarai, Darbhanga.
 5. The Inspector General of Police, Darbhanga at Laheria Sadari, District – Darbhanga.
 6. The Director General of Police Bihar, Patna.
 7. The Officer-in-charge P.S. Singhabara, District - Darbhanga.
 8. Suresh Yadav son of Manrup Yadav
 9. Naresh yadav son of Manrup Yadav
 10. Lalu yadav son of Jageshwar Yadav
 11. Ranjeet Yadav son of Suresh Yadav
- All are residents of village - Bhagwatipur, P.S. - Singhbare District - Darbhanga.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Bali Jha, Advocate
For the Respondent/s : Mr. Kaushal Kishor, A.C. to G.P.-23

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-03-2016

The petitioner is the informant of Singhbara P.S. Case No.108 of 2007 dated 20.8.2007 registered under sections 452, 302, 380, 120B and 34 of the Indian Penal Code (for short “IPC”) against four accused persons, namely, Suresh Yadav, Naresh Yadav, Lalu Yadav and Ranjit Yadav.

2. It has been alleged in the aforesaid first information

report (for short “FIR”) that the accused persons named in the FIR committed murder of one Ragini Kumari, grand daughter of the informant, owing to on going land dispute between Ramkhelawan Yadav and husband of the informant. It has been alleged that the accused persons are supporters of said Ramkhelawan Yadav.

3. By way of preferring the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the official respondents to take steps for arrest of respondents no. 8 to 11 in connection with aforesaid Singhbara P.S. Case No.108 of 2007.

4. It has been contended by the learned counsel for the petitioner that despite lapse of over eight years since the date of institution of the FIR, the police are sitting tight over the matter of investigation and have taken no steps to arrest the accused persons named the FIR.

5. On the other hand, referring to the assertions made in the counter affidavit filed on behalf of respondents no.2, 3 and 7, learned counsel for the State has submitted that during investigation and supervision of the case it has transpired that the occurrence is true but implication of the accused persons in the aforesaid case is false. He has contended that several witnesses examined during investigation have categorically stated that it was the petitioner’s husband, namely,

Yugal Yadav, who has killed his grand daughter and mischievously implicated the accused persons in a false case due to land dispute.

6. I have heard learned counsel for the parties and perused the materials available on record.

7. In my view, since the investigation is going on, it would not be proper for this court to issue any direction to arrest the accused persons named in the FIR of Singhbara P.S.Case No.108 of 2007 dated 29.8.2007. An investigation into a cognizable offence is the statutory right of the police and at this stage the court has no role to play. However, the police cannot sit tight over the matter in the name of investigation for an indefinite period after registering an FIR. In my view, a delay of over eight years in conducting the investigation into a serious offence under section 302 of the IPC cannot be justified from any angle. This shows complete lack of sensitiveness on the part of the investigating agency. It is a matter of concern. A sensitive and committed investigating agency is indispensable to the interest of justice. The investigating agency must promptly take all necessary steps, conclude the investigation and submit its report to the Magistrate concerned.

8. In view of the observations made, hereinabove, I direct the Superintendent of Police, Darbhanga, to personally look into the matter and ensure that the investigation of the case comes to a logical

end within two months from the date of receipt/production of a copy of this order and a report under section 173(2) of the CrPC is submitted before the jurisdictional Magistrate, failing which this court may hand over investigation of the case to some other independent agency.

9. With the aforesaid observations and directions, the application is disposed of.

10. Let a copy of the order be sent to the Superintendent of Police, Darbhanga through fax.

(Ashwani Kumar Singh, J)

Md.S./-

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