

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.761 of 2015

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Surendra Chaudhary son of late Shiva Narain Choudhary resident of village
- Sonapur Adam New Road Bag Mirzadil P.S. Sonapur (Harihar Nath O.P.)
District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The Commissioner cum Secretary Department of Home, Government of Bihar, Old Secretariat Building, Patna.
 3. The Director General of Police, Government of Bihar, Old Secretariat Building, Patna.
 4. The Inspector General of Police, Tirhut Division, Muzaffarpur.
 5. The Deputy Inspector General of Police Saran Division, Chapra, Saran.
 6. The Superintendent of Police Saran at Chapra District Saran.
 7. The Investigating Officer, Sonapur Police Station, Sonapur District Saran.
 8. Sri Shailesh Kumar Sinha
 9. Sri Amit Kumar Sinha
 10. Vikash Kumar Sinha
- Respondent no. 8 to 10 are sons of Sri Rajeshwar Prasad Sinha resident of village Sonapur Adam, New Road Bag Mirzadil, P.S. Sonapur (Harihar Nath O.P.) District Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh
For the Respondent/s : Mr. S.Raza Ahamad (Aag-9)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 18-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

By way of the present application under Articles 226
and 227 of the Constitution of India, the petitioner seeks a
direction upon the respondents to arrest the accused persons in
connection with Sonapur P.S.Case No. 488 of 2013 registered

under Sections 341, 324, 307, 379, 504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is also prayed that the Superintendent of Police, Saran be directed to change the Investigating Officer of the case so that a proper investigation may be made.

Learned counsel for the petitioner has contended that the Investigating Officer of the case is in collusion with the accused persons and hence, the investigation is not proceeding in a fair and impartial manner.

On the other hand, learned counsel for the State has submitted that the Investigating Officer of the case has properly conducted the investigation so far. In course of investigation, the named accused Shailesh Kumar Sinha and Amit Kumar Sinha were arrested on 10.07.2014 and 30.08.2014 respectively and both of them were sent to judicial custody accordingly.

Be that as it may, since the matter is under investigation, this Court would refrain itself from making any comment on the merits of the investigation. However, a sensitive and committed investigating agency is the need of the hour. The investigating agency cannot sit tight over the matter and keep investigation pending for an indefinite period. Apparently, the FIR

was instituted in the month of December, 2013 and despite lapse of more than two years since the date of institution of the FIR, the investigation of the case could not be completed.

In that view of the matter, I direct the Superintendent of Police, Saran to ensure that the investigation of the case is completed as early as possible, preferably within two months from the date of receipt / production of the copy of the order.

Let it be noted that this Court has not expressed any opinion regarding culpability of any of the accused named in the FIR. The investigating agency would be free to submit such report as it deems fit and proper on the basis of outcome of investigation.

Let a copy of the order be transmitted to the Superintendent of Police, Saran through Fax.

(Ashwani Kumar Singh, J)

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