

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.194 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

1. Upendra Sharma @ Upendra Kumar Sharma S/o Ram Chandra Sharma,
Resident of Village - Kumihla, P.s. - Kargahar, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Inspector General, Sahabad Range, Dehri on Sone.
3. Dy. Inspector General, Sahabad Range, Dehri On Sone.
4. Senior Superintendent of Police, Rohtas.
5. Superintendent of Police, Rohtas.
6. Divisional Police Officer, Bikramganj, Rohtas.
7. Officer - in - Charge, Dinara Police Station, Bikramganj, Rohtas.
8. S.I. Lakhi Chandra Ram I.O. of Dinara, P.S. Case No. 284/2015, Dinara Police Station Bikramganj, Rohtas.
9. Rajnish Sharma, Son of Late Parash Nath Sharma.
10. Ashok Sharma, Son of Late Parash Nath Sharma,
11. Raj Kumari Devi, Wife of Ashok Sharma,
12. Abhishekh Kumar, Son of Ashok Sharma, Respondent No. 9 to 12 R/o Village - Indore, P.S. - Dinara, District - Rohtas.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
Mr. Vinod Kumar Seth, Advocate
For the Respondent/s : Mr. Awadhesh Kumar, AC to GP-3

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 21-07-2016

In compliance of the direction, contained in order, dated 15.07.2016, Mr. Abhinandan Kumar Singh, Officer-in-Charge, Dinara P.S., and Mr. R.K. Choudhary, Investigating Officer, are present, in person, along with the relevant records.

Heard Mr. Rajesh Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. Awadhesh Kumar, Assistant Counsel

to learned Government Pleader No.3, appearing on behalf of the State-respondents.

The grievance raised by the petitioner, with the help of this application, made under Articles 226 and 227 of the Constitution of India, is to the effect that the Investigating Officer has not done the needful to arrest and investigate Dinara Police Station Case No.284 of 2015, registered under Sections 302/201/506/34 of the Indian Penal Code.

From the counter affidavit, which has been placed on record, it transpires that, according to the Investigating Officer, the accused persons have not been traceable and, therefore, non-bailable warrants of arrest were obtained from the Court of the learned Judicial Magistrate, 1st Class, Bikramganj, and, thereafter, as the accused could not be arrested, process has been initiated under Section 83 of the Code of Criminal Procedure by making application in the Court of learned Judicial Magistrate, 1st Class, Bikramganj.

It is submitted, on behalf of the prosecution, that the application seeking initiation of process under Section 83 of the Code of Criminal Procedure was filed on 16.06.2016 but till 19.07.2016 no order has been made thereon.

In view of the above and in the interest of justice, it is hereby directed that respondent No.5, namely, Superintendent of

Police, Rohtas, shall enquire into the grievances raised in the writ petition, do the needful in accordance with law and get the investigation of Dinara P.S. Case No.284 of 2015 completed expeditiously, preferably, within a period of six months, ensuring proper, fair and effective investigation in such a way that no innocent person is harassed and necessary security of the petitioner is taken care of.

Let a copy of this order be sent forthwith to the Superintendent of Police, Rohtas, and Officer-in-Charge, Dinara Police Station.

Personal appearance of respondent Nos.7 and 8, namely, Mr. Abhinandan Kumar Singh, Officer-in-Charge, Dinara P.S., and Mr. R.K. Choudhary, Investigating Officer of Dinara P.S. Case No.284 of 2015, shall stand dispensed with.

With the aforesaid observations and directions, this writ petition stands disposed of.

(I. A. Ansari, ACJ)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	22.07.2016
Transmission Date	22.07.2016