

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.556 of 2015

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

Ram Udar Singh, Son of Late Ramchandra Singh, Resident of village - Sirauli Tola,
Hanuman Nagar, P.S.-Riga, Distt. - Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. Director General of Police, Bihar, Patna
3. Deputy Inspector General of Police, Muzaffarpur Division, Muzaffarpur
4. Superintendent of Police, Sitamarhi
5. Deputy Superintendent of Police, Sadar, Sitamarhi
6. Station House officer, P.S. Sitamarhi, Distt. Sitamarhi

.... Respondents

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Respondent/s : Mr. Raju Giri, GP-30

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-02-2016

By way of the present application under Articles 226 & 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondents especially the Superintendent of Police, Sitamarhi to submit a report under Section 173(2) of the Code of Criminal Procedure against the FIR named accused persons of Sitamarhi P.S. Case No. 350 of 2006 registered under Sections 302, 120-B read with 34 of the Indian Penal Code and 27 of the

Arms Act.

The petitioner is the informant of the aforesaid Sitamarhi P.S. Case No. 350 of 2006. Earlier also, a writ petition seeking the same relief was filed before this Court vide Cr. W.J.C. No. 684 of 2013 and the same was dismissed as withdrawn vide order dated 07.02.2014 passed by a bench of this Court. In the FIR, seven persons were named.

It has been contended by the learned counsel for the petitioner that the investigation of the case was conducted in perfunctory manner and the named accused persons have been let off by the investigating officer of the case.

In reply, learned counsel for the State has submitted that the matter was properly investigated upon and on the basis of outcome of investigation, a final report was submitted against the FIR named accused persons as they were found innocent. However, one Rabindra Yadav, who was found to be responsible for the alleged offence and against whom the police had found sufficient material, has already been sent up for trial vide charge sheet no. 326 of 2006 dated 21.11.2006 under Sections 302 and 120-B read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

Since the investigation was completed as back as in 2006 and no material has been brought to the notice of the court on

the basis of which it can be said that the investigation of the case was carried in a perfunctory manner.

I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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