

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.981 of 2015**

Arising Out of PS.Case No. -410 Year- 2014 Thana –Hajipur Town District- VAISHALI(HAJIPUR)

1. Mukesh Kumar, Son of Dudhnath Giri, resident of village- Mathkatara, P.S.,  
Dariyapur, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar,  
Patna.
2. The Superintendent of Police, at Hajipur District- Vaishali.
3. The District Magistrate at Hajipur District- Vaishali.
4. The Deputy Superintendent of Police, Sadar at Hajipur, District- Vaishali.
5. The S.H.O. Town Police Station at Hajipur District- Vaishali.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Respondent/s : Mr. M. Prasad, GP-12

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 04-08-2016**

On 24<sup>th</sup> February, 2016 learned counsel for the State  
had sought for time in order to seek instructions and file counter  
affidavit in the matter. No counter affidavit has been filed till date.

2. Despite repeated calls, none appears on behalf of the  
State.

3. Heard learned counsel for the petitioner.

4. It is submitted by the learned counsel for the petitioner  
that the brother of the petitioner died in course of treatment of injury  
caused to him in an occurrence which took place on 25<sup>th</sup> May, 2014



for which Hajipur Town P.S. Case No. 410 of 2014 was registered on 27<sup>th</sup> May, 2014 on the basis of fardbeyan of the deceased brother Mritunjay Kumar Giri. It is submitted that despite lapse of over two years the investigating agency has not taken any effective steps in order to apprehend the accused persons and take necessary action against them. Till date, the police report has not been submitted in the court. In sum and substance, the contention is that the investigating agency is in collusion with the accused persons.

5. In absence of any counter affidavit filed on behalf of the State, the submission made by the petitioner goes uncontroverted.

6. Be that as it may, it is true that the investigation into a cognizable offence is the statutory right of the police and at this stage the Court has no role to play. However, it is equally true that a sensitive and committed investigating agency is the need of the hour. The investigating agency cannot keep the investigation of a cognizable case pending for an indefinite period after institution of the FIR. The delay of over two years in completing the investigation of a case in which the accused persons are named in the FIR cannot be justified from any angle.

7. In that view of the matter, I direct the Superintendent of Police, Hajipur to personally look into the matter and ensure that the investigation of Hajipur Town P.S. Case No. 410 of 2014 is brought to

its logical end within a reasonable period of time, preferably within three months from the date of receipt of a copy of the order.

8. With these observations and direction, the application is disposed of.

9. Let a copy of the order be communicated to the Superintendent of Police, Hajipur forthwith.

(Ashwani Kumar Singh, J)

Pradeep/-

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