

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 155 of 2017

Arising out of P.S. Case No. - null Year - null Thana - null District – WESTCHAMPARAN
(BETTIAH)

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Bitu Kumar @ Atishdhar Dubey, Son of : Akhileshwardhar Dubey, Resident of
Village: Shekha Thekbaha, P.S. Shikarpur, District: West Champaran at Bettiah
..... Petitioner

Versus

1. The State of Bihar, through the Home Commissioner, Government of Bihar, Patna.
 2. The District Magistrate, West Champaran at Bettiah.
 3. The Registrar, Civil Court, West Champaran at Bettiah.
 4. The Superintendent of Police, West Champaran at Bettiah.
 5. The Officer-in-Charge of Bagaha Police Station, West Champaran at Bettiah.
- Respondents

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Appearance :

For the Petitioner : Mr.
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 30-06-2017

Heard learned counsels for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court, under Articles 226 and 227 of the Constitution of India, praying therein to direct the respondent-authorities to further investigate Bagaha Police Station Case No. 112 of 2002 as the informant of the case is suspected to be the main culprit of the occurrence.

3. The FIR of Bagaha Police Station Case No. 112 of 2002 is Annexure-1. The same was registered on the written report of Madhusudan Upadhaya, the full-brother of deceased Basudeo Upadhaya, aged about 70 years. The informant suspected in the FIR that some unknown criminals have abducted to Basudeo Upadhaya with intent to commit his murder from the outer house where he was sleeping. After



investigation, the police submitted final form in the year 2004 stating therein that the crime is clueless. Thereafter, the present writ application has been filed after 13 years claiming that the petitioner was a minor at the time of occurrence aforesaid. However, only material is suspicion to seek for further investigation of the case.

4. The State-respondents have filed counter affidavit stating therein that further investigation is not acceptable when only material is suspicion. That too after such a long delay. Neither the dead body was recovered nor any clue of the victim surfaced, hence, final report submitted, accordingly.

5. The counter affidavit indicates that due to family dispute relating to property or constrained relationship, the writ application has been filed.

6. In the facts and circumstances of this case aforesaid, this Court is not inclined to interfere in the matter after delay of such a long time.

7. Hence, this writ application is dismissed as devoid of merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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