

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.680 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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1. Nilam Roy W/o Late Ram Shloka Roy R/o Bajidpur Soidat, P.S. Bidupur, Distt. - Vaishali at Present Mohalla - Ramjaipal Nagar, Gola Road, Shafi Alam Road, P.S. Rupaspur, Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Home Secretary, Government of Bihar
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Muzaffarpur
5. The Dy. Inspector General of Police Muzaffarpur
6. The Superintendent of Police, Hajipur
7. The Deputy Superintendent of Police, Hajipur (Sadar)
8. The officer - in - Charge of Town P.S. Hajipur
9. The Investigation officer of Hajipur Town P.S. Case No. 1004/14

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Alok Ranjan, Advocate

For the Respondent/s : Mr. Neeraj Raj, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for a command to the respondents to handover investigation of Hajipur Town P.S. Case No.1004 of 2014 to the Central Bureau of Investigation for proper and scientific investigation of the case. Prayer is on the ground that the present Investigating Officer is acting with mala fide and in spite of sufficient evidence against the accused



person no action has been taken against them.

3. According to First Information Report, lodged by the petitioner, the husband of the petitioner Ram Shloka Roy was posted in Planning and Development Department at Sonepur, Saran, as Assistant Engineer, since last eight months. Prior to his posting thereat owner of Shiv Shankar Construction Company, namely, Shiv Shankar Singh, was executing the work of that department. After joining of the husband of the informant, the said Shiv Shankar Singh started pressurizing the husband of the informant to make payment of the bills due, sometimes by personal meeting and on some occasion by telephone calls. But the husband of the petitioner was not acceding to his demand as the works were not found to be performed according to the scheme and estimated expenses. On 17.11.2014, the husband of the informant was going on duty from Patna to Sonepur and after two hours, the informant was informed that her husband was hospitalized. When the informant reached, she found her husband dead. She suspected that Shiv Shankar Singh and his associates were involved in the murder of her husband by causing fire-arm injury.

4. The State-respondent filed counter affidavit stating therein that investigation of the case had already been completed and charge sheet, under Section 173(2) Cr.P.C., against Shiv Shankar Singh and Manoj Kumar Singh has already been submitted.



5. Thereafter, the petitioner raised the issue that the police has not investigated the case collecting evidence on the basis of mobile calls to establish as to who were in talking term with the deceased and who had talked soon before the death. In the supplementary counter affidavit filed by respondent No.6 there is mention of details of the further investigation on this line also and submission of the report.

6. Considering the entire facts and circumstances, as discussed above, in my view, there is no need to handover the investigation of the case to the Central Bureau of Investigation especially in absence of any material to attribute mala fide on the present investigation agency. Hence, this writ application stands disposed of with direction to the trial Court to expedite the trial.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2017
Transmission Date	21.11.2017

