

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8870 of 2017

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1. In The Matter Of Letter Dated 19/06/2017 Of Mr. Vikash Ratan Bharti.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Home Department, Govt. of Bihar.
3. The Director General of Police, Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna.
6. The Station House Officer, P.S. Rajeev Nagar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Respondent/s : Mr. Lalit Kishore, PAAG-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017

A communication was received by the Chief Justice on 28.6.2017 from an Advocate practicing in this Court Shri Vikas Ratan Bharti and it was his contention that on 19.6.2017, at about 1:30 a.m., 10 to 12 unknown persons committed robbery, dacoity in his house. Even though the police authorities of P.S. Rajeev Nagar have registered Case No.149 of 2017 under Section 395 I.P.C., as the case is not being properly investigated and he is being threatened, the



application was presented.

The Chief Justice directed for its registration as a Public Interest Litigation and sought response from the learned Principal Additional Advocate General-1 Shri Lalit Kishore. Shri Kishore has brought on record a detailed counter affidavit on behalf of respondent Nos.5, 6 and 7. The counter affidavit is sworn by a competent police authority. On going through the counter affidavit, it is seen that the F.I.R. has been registered, more than 20 persons have been interrogated and the investigation is in progress, evidence has been collected from the place of occurrence, forensic report has been received on 3.7.2017 and the investigation is in progress at various stages and is progressing. In the meanwhile, interveners have appeared vide I.A. No.4899 of 2017 and they claim to be the persons who are named in the F.I.R. and it is stated that they are the in-laws of the complainant Advocate and they bring on record voluminous documents to say that there are certain family disputes, cases are pending between the parties in various counts including Domestic Violence Act etc. and, therefore, an effort is being made by misusing the process of law to implicate them in a criminal case.

Having bestowed our anxious consideration to the rival contentions and after evaluating various aspects of the matter, it is



seen that the matter is under investigation with the competent police authorities and in case the petitioner as a complainant or the interveners as the persons against whom the investigations are going on, have any grievance in the matter, they should take recourse to the remedy available under Cr.P.C. by approaching the Magistrate concerned or invoking the jurisdiction of the competent Criminal Court with regard to the issue in question. Once the material available on record based on the affidavit filed by the police authorities goes to show that the investigation is progressing, is at various stages of investigation and when this Court finds no further action in this regard to be taken by issuing any direction to the police authorities, in the peculiar facts and circumstances of the case, we dispose of the matter directing the police authorities to conduct the enquiry and investigation in accordance to law, bring it to its logical conclusion and ensure filing of an F.I.R. in a Court of competent jurisdiction at an early date. That apart, in case any of the parties to the dispute, namely the complainant herein or the interveners, have any objections with regard to the enquiry or investigation or the action being undertaken by the police authorities, they shall have liberty to take recourse under Cr.P.C. for such grievance.

With the aforesaid observations and liberties to the



parties concerned, finding no indulgence to be made at this stage, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.7.2017
Transmission Date	N/A

