

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2352 of 2017

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1. Nazia Sultana, wife of Md. Sultan Hussain Idrishi, resident of Mohallah- Roop Ganj, Ward No- 29, P.S.- Town, District- Saran.
 2. Md. Sultan Hussain Idrishi, Son of Md. Rizwan Idrishi, resident of Mohallah- Roop Ganj, Ward No-29, P.S.- Town, District- Siwan.
 3. Shamsudaula Siddique, Son of Late Abdul Khaliq, resident of Village- Nabiganj, P.S.- Khaira, District- Saran.
 4. Perwez Alam, Son of Md. Wakil, resident of Village- Rudalpur, P.S.- Jalalpur, District- Saran.
 5. Neyaz Ahmad, Son of Late Md. Manir, resident of Village- Khodaibagh, P.S.- Khaira, District- Saran.
 6. Ejaz Ahmad @ Ejaz Khan, Son of Shahid Imam Khan,
 7. Mahtabuzzama, Son of Late Shahebuzzama,
 8. Md. Tarique, Son of Md. Usmangani,
 9. Saud Alam, Son of Nejamuddin, All resident of Village- Olhanpur, P.S.- Marhaura, District- Saran.
 10. Md. Fazal Haque, Son of Late Md. Salim, resident of Village- Majawaliya, P.S.- Marhaura, District- Saran.
 11. Jamal Haider Khan, Son of Late Hafiz Zahiruddin, resident of Village- Manpur, P.S.- Khaira, District- Saran.
 12. Shefarath Hussain, Son of Late Shafakat Hussain, resident of Village- Godna, P.S.- Revilganj, District- Saran.
 13. Sher Mohamamd, Son of Late Haji Md. Salim Khan, resident of Village- Tajpur, P.S.- Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
null null
4. The Director General of Police, Government of Bihar, Patna. null null
5. The Commissioner, Saran Division at Chapra.
6. The Deputy Inspector General of Police, Saran Range at Chapra.
7. The District Magistrate, Saran at Chapra, District- Saran.
8. The Superintendent of Police, Saran at Chapra, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv.
For the Respondent/s : Mr. Prabhat Kumar Verma- AAG3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 13-12-2017

This petition, in the form of a Public Interest Litigation, has been filed and the grievance of the petitioners in the writ petition are that a judicial enquiry or enquiry by an independent agency be undertaken in view of the communication of the district administration and the police authorities in the district of Saran at Chapra in the matter of taking action with regard to 43 F.I.R's. registered pertaining to arson and damage to religious properties and goods owned by members of a particular community in certain incident that had taken place in the district in question in various cases based on the registration of criminal cases in the year 2016 onwards. The matter is pending and this Court was monitoring the issue and now, from the supplementary affidavit filed by the A.S.P., Saran, it is seen that with regard to the F.I.R's. in question, in seven cases investigations have been completed and charge-sheets have been filed, in other cases, investigations are in progress and it is indicated that the charge-sheet would be filed immediately after conclusion of the investigation.

Taking note of the action taken by the respondents from time to time, we are satisfied that action has been initiated by the administrative authorities and the police authorities have



investigated into the F.I.R's. and in such cases where investigations have been completed, the charge-sheets have also been filed.

That being so, now in this Public Interest Litigation, no further indulgence into the matter is called for. The petitioners may raise objections before the criminal court where charges are filed or where the F.I.R's. have been registered and, in case there is any irregularity in the matter of conducting the investigation, the jurisdiction of the criminal court can be invoked by filing appropriate applications and seeking indulgence of the criminal court. For the purpose of investigation and further action into the matter, indulgence of this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution now is not called for.

As far as the investigation of the matter by an independent agency or a judicial enquiry is concerned, we find that except for making vague and bald allegation that the enquiry and investigation is not being properly conducted, no ingredients as are required under law have been brought to the notice of this Court based on which an enquiry by an independent agency or authority can be ordered.

With regard to investigation by an independent agency or by the specialized agency, Hon'ble Supreme Court has



already laid down the law in the case of State of West Bengal vs. Committee for Protection of Human Rights in (2011) 2 SCC 328 and we find that the ingredients necessary for referring the matter for investigation by the C.B.I. are not made out in the present case. Accordingly, the petition stands disposed of with the aforesaid direction and liberty to the petitioner.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.12.2017
Transmission Date	

