

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.979 of 2018

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1. Devnandan Prasad, S/o Late Jado Prasad @ Jarda Das, Resident of Village-Chak Jobara Khurd, P.S. Hilsa, Dist. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Govt. of Bihar, Patna.
2. Director, General of Police Bihar, Patna.
3. The District Magistrate, Nalanda.
4. Superintendent of Police, Nalanda.
5. Dy. Superintendent of Police, Hilsa, Nalanda.
6. Officer Incharge, Hilsa, P.S. Dist.-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Adv/

For the Respondent/s : Mr. Prabhat Kumar Verma (Aag-3)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-07-2018 The grievance of the petitioner is that no proper investigation is being conducted in connection with Hilsa P.S.Case No.714 of 2017. Learned counsel representing the petitioner submits that in the nature of the case where the son of the petitioner has gone missing and there are serious allegations against the accused persons, it is not just and proper on the part of the police authorities to keep silence and not to proceed with a proper investigation of the case.

Learned counsel for the State submits that the investigation in the case is still going on even the petitioner has been made accused in Hilsa P.S.Case No.815 of 2017.



Be that as it may considering the grievance of the petitioner with respect to the investigation of the case lodged by him, this Court would direct the concerned Judicial Magistrate in whose Court the case is pending that on the petitioner filing an appropriate application seeking direction to the Investigating Officer to conduct proper investigation, the learned Magistrate shall consider the same within a period of 15 days from the date of filing of such application and shall monitor the case as to why the investigation is not being completed by the Investigating Officer within reasonable time. In case it is found that the Investigating Officer is not taking interest in the investigation, the learned Magistrate would be well within his powers in terms of the judgment of the Hon’ble Supreme Court to pass such appropriate order as may be required including a direction to the superior authority to change the Investigating Officer.

The application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

Vinita/R.R.Ojha

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