

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.929 of 2015

=====

Pawan Yadav son of Sri Vishwanath Yadav, resident of village-
Raghunathpur, P.S.- Pandaul, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Bihar
2. The Superintendent of Police, Madhubani
3. The Officer in Charge, Raj Nagar Police Station, Madhubani
4. Biduu Bhardwaj, Jail Superintendent, Madhubani, S/o – Gopal Saran, R/o Saguna More, Danapur Cantt. Ashok Nagar, Patna.
5. Jai Raman Himanshu, Asst. S.I.
6. Deepak Kumar Singh, Deputy Superintendent.
7. Md. Ejaj Ahmed, Kashpal.
8. Nirmal Kumar singh, Kashpal.
9. Deepak Kumar, Kashpal.
10. Lalan Mandal, Kashpal, Through Inspector General of Police (I.G. Prison), Government of Bihar, Old Secretariat, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
For the State : Mr. Raghwaand, G.A. XI
For the Resp. No.6 to 10: Mr. Ravi Bhusan Bharat, Advocate
Mr. Birutosh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10. 13-08-2018

This writ application has been preferred for a direction to cause an independent investigation of Raj Nagar P.S. Case No. 39/2014 by the Central Bureau of Investigation or a Special Investigation Team as the case may be.

The grievance of the petitioner is that one Pappu Yadav who happened to be the brother-in-law of the petitioner was assaulted while he was in jail custody by Vidhu Bhardwaj, the then Jail Superintendent, Sri Narayan Himanshu, Assistant Jail Superintendent, In-Charge Deputy Jail Superintendent Deepak



Kumar Singh, Wardens and some other persons who are all staffs of the Jail. It is alleged that Pappu Yadav died due to the assault meted out to him on 12.02.2014 and again on 13.02.2014, as a result of which he died in the morning of 14.02.2014. This was registered as Raj Nagar P.S. Case No. 39/2014 under Section 302/34 of the Indian Penal Code.

The grievance of the petitioner is that the SDPO and the other police officials who were looking after the investigation of the case did not record the statement of the informant and the witnesses and has completed the investigation by sitting on the table by recording false statements.

The prayer of the petitioner was that the respondents cannot be allowed to investigate the case in the manner they are conducting the investigation, it however appears that during pendency of the writ application investigation has been completed and in course of investigation the allegations have been found true against some of the non-named accused persons. A charge-sheet has been submitted being Charge-Sheet No. 132/2015 dated 20.11.2015 and the investigation has been closed.

Learned counsel for the State has pointed out that a supplementary charge-sheet bearing No. 18/2016 dated 31.01.2016 has also been filed in this case and now the case is



pending against the charge-sheeted accused at the stage of framing of charge.

Learned counsel for the petitioner has a submission that because the jail authorities were involved in this case, attempts have been made by the SDPO and other authorities to save the then Jail Superintendent and some other Jail Officials. It is submitted that if this court directs for further investigation in this matter and/or transfer the investigation to some other independent agency the truth may come on the record.

Having heard learned counsel for the petitioner and learned counsel representing the State, this court finds that in the present case after investigation police has submitted a charge-sheet finding the case true against certain persons whose names have been disclosed in paragraph-5 of the counter affidavit filed on behalf of the respondent no. 2. If the petitioner is not satisfied with the investigation and has got materials in form of oral or documentary evidence to prima facie show that some more persons who were named in the F.I.R. were also involved in the commission of offence, he may take up this issue at appropriate stage in course of trial and considering the scope and ambit of Section 319 of the Code of Criminal Procedure if such evidences are brought in course of trial, the trial court will certainly look into



the same and on being satisfied if the trial court finds that some more accused/persons are involved against whom there are materials, trial court can always summon them to face the trial.

The writ application is thus disposed off at this stage leaving it open for the petitioner to satisfy the court below with the evidences in course of trial to invoke the jurisdiction of the court under Section 319 of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

