

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1138 of 2016

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Rajesh Kumar son of Shri Bhupesh Gupta @ Bhup Narayan Sao, resident of Village- Gorkha, P.S. Alinagar, District Darbhanga presently residing at 'Shourya Hotel', adjacent to Patliputra Golambar, P.O. & P.S. Patliputra, Patna- 800013.

.... Petitioner

Versus

1. The State of Bihar.
2. The Senior Superintendent of Police, Patna- 800001.
3. The City Superintendent of Police, Central, Patna- 800001.
4. The Deputy Superintendent of Police, Law & Order, Kotwali Police Station Campus, Patna- 800001.
5. The Station House Officer, Patliputra Police Station, Patna- 800013.
6. Shri Shashi Kant Singh father's name not known, Sub- Inspector of Police, Danapur Police Station, Patna- 801503.
7. Shri Gyan Shankar son of Shri K.K. Prasad, Secretary, Patliputra House Construction Society Ltd., P.O. & P.S. Patliputra, Patna- 800013.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Respondent/s : Mr. Sheo Shankar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 23-08-2018

When the petitioner moved this court he was seeking completion of investigation of Patliputra P.S. Case No. 382/2014 registered under various provisions of the Indian Penal Code against him. He was looking for a report against the informant under Section 182 & 211 of the Indian Penal Code.

Now, the facts reveal from the counter affidavit shows that the investigation of the case has been done and a charge-sheet has been submitted in which this petitioner has been shown as an accused sent up for trial. The charge-sheet



dated 19.09.2016 has been brought on record as Annexure-A to the counter affidavit.

By filing a rejoinder to the counter affidavit, the petitioner submits that the Investigating Officer of the case has fraudulently submitted a charge-sheet sometimes in the year 2017 in the back date on 19.09.2016, and now they are claiming that the investigation of the case has been completed.

Learned counsel has pointed out from the rejoinder that it is the stand of the petitioner that Investigating Officer of the case (respondent no. 6) was transferred from Paliputra Police Station to Danapur Police Station on 02.08.2015 and was relieved from Patliputra Police Station on 10.08.2015. He had not transferred the case diary to the Station House Officer, kept the same with himself, and even after having been relieved from Patliputra Police Station, he has submitted the charge-sheet by back dating.

In the nature of the submissions advanced before this court and considering the stage of the proceeding, this court is of the opinion that in case petitioner is looking for further investigation he can file appropriate application in



the court below in terms of the provisions of the Code of Criminal Procedure. So far as the assertions of the petitioner with regard to the conduct of the Investigating officer is concerned, at this stage, this court would not go into the merit of the allegation and leave it open for the petitioner to place all such matters and materials which he is contending before this court before the learned court below. On the petitioner bringing such materials before the learned court below the same shall be considered by the court and an appropriate order shall be passed thereon by looking into the records.

With the aforesaid observations, this writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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