

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1047 of 2017

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1.Shanti Devi, w/o late Sriram Prasad.
2.Dinesh Kumar @ Deepak Kumar.
3.Ganesh Kumar, S/o Late Sriram Prasad.
4.Mahesh Kumar, S/o Late Sriram Prasad.
All R/o village-Kella, P.S-Saare, District-Nalanda, at present residing at
Flat No.204, Maa Kunj Residency, New Karmik Nagar, P.S.Sarai Kela,
District-Dhanbad.
5.Ashok Paswan @ Ashok Kumar Paswan, son of Rajendra Paswan.
6.Neeta Kumari, w/o Ashok Kumar Paswan.
Both residents of Village-Uttarthu, P.S-Asthawan, District-Nalanda, at
present residing at Flat No.204, Maa Kunj Residency, New Karmik Nagar,
P.S.Sarai Kela, District-Dhanbad.
7.Sukhdeo Paswan, s/o late Phoolchand Paswan, R/o Rampur,
P.S.Kowakol, District-Nawada.

.... Petitioner/s

Versus

1.The State of Bihar Through The Principal Secretary, Home Department,
Govt. of Bihar.
2.Surendra Prasad, s/o late Bundi Prasad, r/o vill-Sonsa, P.S.Hisua, District-
Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava,Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad (Sc8)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 04-07-2018 Learned counsel for the petitioners has drawn the

attention of this Court towards the submission made in Paragraph-

9 of the counter affidavit filed on behalf of respondent no.1. It is

submitted that according to the submissions made in the counter

affidavit the Superintendent of Police, Nawada, has already

directed the Investigating Officer of the case to submit a final form

as the case has not been found true. The limited grievance of the

petitioners is that despite there being a direction by the



Superintendent of Police, Nawada, the Investigating Officer is holding the filing of the final form and is not doing his duty by complying with the order of the Superintendent of Police.

In the aforesaid view of the matter, learned counsel for the petitioners is not pressing this application for quashing of the First Information Report. At this stage a limited prayer is being made to direct the Superintendent of Police and the Investigating Officer to do the needful towards filing of the final form in the Court below at the earliest opportunity.

Learned counsel for the State submits that since the Superintendent of Police, Nawada, has already directed the Investigating Officer to submit the final form, the Investigating Officer should not have any difficulty in complying with the order of his superior authority.

Considering the nature of the submissions and the circumstances appearing from the records, this Court finds that there is a categorical statement in Paragraph No.9 of the counter affidavit that the case has not been found true and a direction has been issued to the Investigating Officer to submit the final form. The Superintendent of Police, Nawada, and the Investigating Officer of the case are directed to look into the matter and submit the final form within a period of three weeks from the date of



receipt/communication of this order. The Superintendent of Police, Nawada, is directed to find out as to why the order issued by him to the Investigating Officer has not been complied with over a period of about six months by now.

This writ application is being disposed off in terms indicated hereinabove without expressing any opinion in the merit of the case.

(Rajeev Ranjan Prasad, J)

Vinita/R.R.Ojha

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