

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1492 of 2017
Arising out of Laheri P.S. Case No.216 of 2016, District-Nalanda

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1. Sarwan Kumar, Son of Late Subash Prasad Singh,
2. Juli Devi, W/o Sarwan Kumar, R/o Village- Mayapur, P.S.- Katari Saray, District- Nalanda,
3. Balmiki Kumar, Son of Late Keshaw Mahto,
4. Kiran Sinha, W/o Balimiki Kumar, R/o Village- Mayapur, P.S.- Katri Saray, District- Nalanda. A.P. Resident of Mohalla- Shivpuri, P.S.- Leheri, District Nalanda.
5. Rajesh Kumar, Son of Late Govind Mahto, R/o Village- Mayapur, P.S.- Katari Saray, District- Nalanda.
6. Seema Kumari @ Seema Devi, W/o Dipak Kumar, R/o Village- Mayapur, P.S.- Katari Saray, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department Government of Bihar,
2. The Superintendent of Police, Nalanda.
3. The Station House officer, Leheri , P.S.- District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Adv.
Mr. Rajesh Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar (GP-4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Pursuant to the earlier order dated 19.01.2018 a supplementary counter affidavit has been filed on behalf of the respondent nos.2 and 3. In the said supplementary counter affidavit, it is stated that the S.D.P.O. Sadar has supervised the case and the prosecution witnesses have supported the prosecution case. There has been transaction of huge amount in the Bank A/c



of the accused persons through passbook in different banks and petitioner nos.2 and 3 are also involved in the same. In paragraph 5 of the supplementary counter affidavit some account numbers have also been provided showing that those accounts are in the joint name of petitioner nos.2 and 6 and their respective husbands who are accused in this case.

Learned counsel for the petitioner categorically argued that at this stage when these petitioners have moved this Court for de-freezing of the account, the respondents have come out with a baseless plea that petitioner nos.2 and 6 are also involved. Learned counsel submits that so far as the petitioner nos.2 and 6 are concerned, they are not named in the FIR and till date in none of the requisitions in the court below the investigating officer has shown the petitioner nos.2 and 6 as absconding accused. Learned counsel submits that the stand taken by the respondent nos.2 and 3 is not reliable at this stage.

Having heard learned counsel for the parties, this Court prima facie finds some force in the argument of learned counsel for the petitioner that so far as the petitioner nos.2 and 6 are concerned, they are not named in the FIR and even in the final form submitted by the police they have not been shown as absconding accused and there is no material on record to show that



at any point of time they have been shown as absconding accused. At this stage, however, this Court would restrain itself from passing an order for release of the passbook, de-freezing of the account and release of cash money and other articles which has been seized during course of investigation in the present case because the Court finds that the investigation in the matter as regards some of the absconding accused, whose names have not been disclosed in the final form, is still pending. Since the investigation is still pending, this Court is not passing any order in favour of the petitioners.

Learned counsel for the State submits that investigation in this case is likely to be completed within a maximum period of six months from today. This Court at this stage would only observe that only because the Cr.P.C. does not provide any time limit for completion of the investigation the investigating officer cannot remain sitting over the investigation for years together. Whatever be the result of the investigation, it is required to be completed within the aforesaid period of six months and a report be submitted to the court below, failing which the accused petitioners shall be at liberty to file an appropriate application in the court below for completion of investigation including the change of investigating officer. If such an



application is filed, the same shall be considered keeping in mind the judicial pronouncements of the Hon'ble Apex Court in the case of **Sakiri Vasu Vs. State of U.P. & Ors.** reported in (2008) 2 SCC 409 which has been recently followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage & Ors.** reported in (2016) 6 SCC 277.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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