

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1287 of 2017

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Amitesh Kumar, son of Late Ashok Singh, Resident of Village-
Chakniyamat, P.S.- Gaurichak, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Officer-in- Charge of Agamkuan Police Station, District- Patna.
5. The I.O. of Agamkuan, P.S. Case No. 221/2017, Agamkuan Police Station, District- Patna.
6. Nafis Kumar
7. Ranjeet Singh @ Tappu Singh, Both sons of Hari Narayan Singh Both Resident of Village- Sohagi, P.S.- Gaurichak, District- Patna.
8. Praveen Kumar, son of Late Ranjan Singh
9. Vivek Kumar, son of Late Ranjan Singh Both Resident of Village- Bhergawan, P.S.- Gaurichak, District- Patna.
10. Mahesh Kumar @ Puttu Singh, son of Kripanand Singh, Resident of Village- Bishnuchak, P.S.- Dhanarua, District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

For the Respondent/s : Mr. Lalit Kishore (Paag1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 2. 19-01-2018** The petitioner has moved this court seeking appropriate legal action against the respondent-second set, who are the named accused in Agamkuan P.S. Case No. 221/2017 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code. He seeks a direction to the Director General of Police, Bihar and other police officers who are respondent nos. 3 to 5 to recover the motorcycle in question.

It appears that prior to filing of the present



writ application and invoking the constitutional jurisdiction of this court the petitioner has not filed an application under Section 156(3) Cr.P.C. in the court below for appropriate direction.

Following the judgments of the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P.** reported in (2008) 2 SCC 409 which has been followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage** reported in (2016) 6 SCC 277; this Court would direct the learned Magistrate, where the case is presenting pending, that if the petitioner files an application seeking an appropriate direction, the learned Magistrate shall in exercise of his power to monitor and supervise the investigation, pass an appropriate order with some urgency and by giving priority to the application filed by the petitioner. This Court has recently experienced that a large number of applications are being filed under Article 226 of the Constitution of India seeking direction to the police authorities to conduct proper investigation and in fact the matters which could have been subject matter of monitoring and supervision by the learned Magistrate are



being brought directly before this Court.

The learned Magistrate is expected to infuse some confidence in the applicants of this nature that the application which shall be filed would be considered for an appropriate order so that their grievance against the investigation may be taken care of well in time. Learned Magistrate shall be guided by the judicial pronouncement on the subject.

This application stands disposed off.

(Rajeev Ranjan Prasad, J.)

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