

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1068 of 2017

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1. Guddu Poddar, S/o Kamleshwari Poddar, R/o Barh, P.S.-
Barh, District- Patna.

2. Shishu Ranjan Kumar, S/o Sant Kumar Yadav, R/o
Gulabbag, P.S.- Barh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Vatsa, Adv.

For the State : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 23-03-2018 The petitioners have challenged the order dated 01.07.2017, passed by the learned Additional Chief Judicial Magistrate, Barh in G.R. No. 589 of 2015, arising out of Bakhtiyarpur P.S. Case No. 87 of 2015, dated 18.04.2015, instituted for the offence under Section 379 of the Indian Penal Code, whereby the final report, showing the "case true but the accused traceless", has been accepted and the proceedings have been closed.

What has aggrieved the petitioners is the observation of the learned Additional Chief Judicial Magistrate, Barh that twice the matter was investigated, but



it appeared to him that the Investigating Officer of this case had gone in collusion with the informant for facilitating him to take money from the Insurance Company with which the vehicle in question was insured.

Learned counsel for the petitioners has submitted that the motorcycle which was stolen belonged to one Shishu Ranjan Kumar, S/o Sant Kumar Yadav which was given to the informant for using it during the period of his examination. He had parked the vehicle in the campus of Ram Lakhan Singh College, Bakhtiyarpur from where it went missing. The fact of the motorcycle being stolen, as found out by the police, has already been accepted now by the learned Additional Chief Judicial Magistrate, Barh.

In the first instance, it may be noted, a further investigating was directed, but in the further investigation also the same report was submitted by the police.

No interference is required with the aforesaid order.

The observation made by the learned Additional Chief Judicial Magistrate, Barh that the Investigating Officer had colluded with the informant, it has been submitted, was without any basis.

This Court does not wish to interfere with or expunge the same for the simple reason that this will not be



an impediment to the owner of the vehide in recovering the amount for which the vehide is insured.

No order is required to be passed in the present case. Hence, it is dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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