

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1748 of 2017

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Kareena Devi W/o Late Ranjeet Yadav, R/o Village- Chakfatma, P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar , Through The Principal Secretary, Department of Home (Police) , Govt. of Bihar , Patna.
2. The Director General Of Police, Patna.
3. The Inspector General of Police, Bhagalpur Zone , Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.
5. The S.H.O. Cum Officer In Charge Jagdishpur, P.S., District- Bhagalpur.
6. Krishna Yadav Son of Name not Known to the Petitioner, R/o Village- Khutha, P.S.- Lodipur, District- Bhagalpur.
7. Lalan Yadav @ Laddu Yadav
8. Satendra Yadav Respondent No. 7 & are Sons of (Name not known), R/o Village- Koel Pokhar, P.S.- Jagdishpur, District- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pravina Kumari

For the Respondent/s : Mr. Manish Kumar (Gp-4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-01-2018 Heard learned counsel for the petitioner and

learned counsel representing the State.

The petitioner, in the present case, is the informant of the Jagdishpur P.S. Case No. 222/2016 registered under Section 302/379/120(B) of the Indian Penal Code and under Section 27 of the Arms Act. She is seeking a direction upon the respondents and its authority to investigate the case properly and complete the same as also apprehend the private respondents who are named accused persons and are moving freely threatening the



witnesses including the informant-petitioner.

A counter affidavit has been filed today on behalf of the Senior Superintendent of Police, Bhagalpur (respondent no. 4). It is stated that the case has been found true and directions have been given to arrest the accused and accordingly Krishna Yadav has already been arrested and remanded to judicial custody, whereas necessary directions of supervising authorities are also being followed up.

In the facts and circumstances of the case which has been brought before this Court, I direct the Senior Superintendent of Police, Bhagalpur to expedite the process of investigation including the supervision of the present case as it is his responsibility to complete the investigation within a time frame which should be reasonable. Even though the Code of Criminal Procedure does not provide the maximum limit to complete the investigation but that cannot be taken to say that the investigation may remain pending for 1½ years in a murder case.

The Senior Superintendent of Police, Bhagalpur is directed to assess the threat perception of the informant



and other witnesses within a period of two weeks from today. It will be his responsibility to take appropriate measures which may be required in accordance with law to protect the witnesses in order to see that the trial is ultimately held without any hindrance to these witnesses.

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**; the Hon'ble Supreme Court has categorically held that the Magistrate in *seisin* of a matter is having complete power to ensure proper investigation. The Magistrate may monitor and supervise the case and if required can ask for change of the investigating officer.

In the present case, if the petitioner feels that the proper investigation is not being conducted and the necessary steps are not being taken by the investigating officer, she will be at liberty to file an appropriate application in the court below before the learned Magistrate where the case is pending for appropriate direction. On filing of such an application, the learned Magistrate will consider the same with some urgency by



giving priority and shall pass necessary orders and direction which may be required keeping in mind the judicial pronouncements of the Hon'ble Apex Court as stated above.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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