

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1588 of 2018
Arising out of Motihari Mufassil P.S. Case No.55 of 2014, District-East
Champaran at Motihari.

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Ranjit Kumar @ Guddu S/o Sri Madhusudan Prasad, R/o Vill.- Pataura Lala Tola, P.S.- Muffasil, District & Town- Motihari at East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Motihari.
4. The Sub-Divisional Police Officer, Sadar Motihari.
5. The S.H.O. Muffasil P.S., Motihari.
6. Bishwanath Pathak, son of late Ramashray Pathak, resident of village-Pataura Lala Tola, P.S.-Mufassil, District-Motihari at East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansa Jha
For the Respondent/s : Mr. Partha Sarthy (GA 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-07-2018 Petitioner is aggrieved by slow progress of the investigation at the hands of the present investigating officer. His grievance is that even though the case is of the year 2014, despite a lapse of over four years by now, the investigation has not been completed. Certain issues have been raised by the petitioner pointing out that the investigating officer is not even following the directions issued by his senior officers which will be evident from the memo no.1772 available at page 18 of the writ application by which the Additional Superintendent of Police, Sadar Motihari had directed the investigating officer to make sincere investigation of



the case, examined the independent witnesses and to record the statement of the medical officer who had provided the treatment to the victim in the present case.

Learned counsel for the State is present.

In the facts and circumstances pleaded before this Court, prima facie it appears that the investigation of the case is not proceeding properly and despite there being a direction of the senior police officer to the investigating officer, as claimed by the petitioner, the steps are not being taken to conduct the investigation properly. At this stage, this Court would direct the Superintendent of Police, Motihari to look into the grievance of the petitioner and find out the reasons for non-conclusion of the investigation despite there being a lapse of over four years by now. The Superintendent of Police shall issue necessary direction to the investigating officer either the present one or by replacing the investigating officer as per his wisdom to conclude the investigation and submit a report in the court below within a period of three months from the date of receipt/production of a copy of this order.

In case the petitioner still feels aggrieved with the pendency of the investigation, he will have a liberty to file an appropriate application in the court below in the light of the



judgments of the Hon'ble Apex Court in the case of **Sakiri Vasu Vs. State of U.P. & Ors.** reported in **(2008) 2 SCC 409** and on petitioner filing such an application before the court below, necessary order for proper investigation of the case shall be passed by the learned court below.

The application stands disposed off with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

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