

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.240 of 2017

Arising Out of PS. Case No.-24 Year-2016 Thana- PURNAHYA District- Sheohar

Prabhu Sharan Das, Chele Mahant Brij Narayan Das, Resident of Village-
Purnahiya Math, P.S.- Purnahiya, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police , Muzaffarpur Range, Patna.
4. The Superintendent of Police, Sheohar.
5. The Dy. Superintendent of Police, Sheohar.
6. The Station House Officer of Purnaiya Police Station, District- Sheohar.
7. The Investigating Officer of Purnahiya P.S. Case No. 24 of 2016, District-
Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 16-07-2019

This application has been filed by the petitioner for directing the respondent authorities to complete the investigation of Purnahiya P.S. Case No.24 of 2016 dated 21.04.2016 registered under Sections 302 read with 34 of the Indian Penal Code and 27 of the Arms Act.

2. The petitioner is informant of the aforesaid Purnahiya P.S. Case No.24 of 2016. The contention is that though the case was instituted on 21.04.2016, the investigation has not yet been completed. The accused persons named in the



FIR have not been yet arrested. In the perfunctory investigation conducted by the investigating officer, four none FIR accused persons, namely, Mukesh Singh, Keshab Singh, Arun Kumar Singh and Arbind Singh have been sent up for trial vide charge-sheet no.78 of 2017 dated 22.09.2017 and investigation is still continuing against the named accused persons. He contended that in a serious case of murder, the investigating agency is casually proceeding with the investigation of the case.

3. On the other hand, learned counsel appearing for the State submitted that the investigation is being conducted sincerely by the investigating officer. As the investigation disclosed sufficient evidence against the accused Mukesh Singh, Keshab Singh, Arun Kumar Singh and Arbind Singh, they have been sent up for trial. As far as the named accused persons are concerned, the investigation is still continuing against them.

4. I have heard learned counsel for the parties and perused the materials on record.

5. To hold investigation into a cognizable offence is the statutory duty of the police.

6. At this stage, the court has no role to play.

7. However, a sensitive and committed investigating agency is the need of the hour. In a case of murder,



the police cannot sit tight over the matter after institution of the case. They cannot forget to investigate the case. It is true that four persons have been sent up for trial, but it is equally true that in a case of 2016, the investigation has yet not concluded.

8. Having regard to the totality of the circumstances, the writ petition is disposed of with a direction to the Superintendent of Police, Sheohar to personally look into the matter and take all possible steps to complete the investigation of the case, if already not completed, without any further delay. He shall also ensure that on completion of investigation, a report under Section 173(2) of the Code of Criminal Procedure is submitted before the court promptly.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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