

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.476 of 2017**

Arising Out of PS. Case No.-148 Year-2016 Thana- PATAHI District- East Champaran

Chandra Kishore Kumar Son of Late Narad Kumar Resident of Village -  
Barka Balua, P.S. - Patahi, District - East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Home, Government Of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Tirhut Division Muzaffarpur.
5. The Superintendent of Police, East Champaran.
6. The Deputy Superintendent of Police, East Champaran.
7. The Officer-in-charge, Patahi Police Station East Champaran.

... .. Respondents

**Appearance :**

|                           |   |                               |
|---------------------------|---|-------------------------------|
| For the Petitioner        | : | Mr.Binod Kumar, Advocate      |
| For the Respondent-State: |   | Mr.Prabhat Kumar Verma AAG-3  |
|                           |   | Mr. Sanjay Kumar, AC to AAG-3 |

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 05-08-2019**

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing respondent-authorities to make proper investigation in respect of Patahi P. S. Case No. 148 of 2016 dated 09.11.2016 registered under Sections 406, 420, 467, 468 and 471/34 of the Indian Penal Code.

2. Learned counsel for the petitioner submitted that though the first information report (for short 'FIR') in



connection with Patahi P. S. Case no. 148 of 2016 was registered on 09.11.2016, the investigation has not been completed till date. He contended that in absence of a sensitive and committed investigation by the police, no justice can be done in a criminal case. Unfortunately, after instituting the FIR, the police have forgotten to discharge their duties and are sitting tight over the matter.

3. On the other hand, learned counsel appearing for the State submitted that the investigation of the case is still going on and there is no truth behind allegation that the police are sitting tight over the matter. The investigation of the case is likely to be completed soon.

4. Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. At the stage of investigation, the court has no say. However, learned counsel for the petitioner is right in his submission that a sensitive, committed and prompt investigation is indispensable to the criminal justice system. Apparently, the investigation of the case is pending for over two and a half years. If the police would investigate a case with such a slow speed, people would be bound to loose faith in the investigating agency. Though the police have



statutory right to investigate a case, it cannot sit tight over an investigation into a cognizable offence for an indefinite period.

5. At this stage, I say no more.

6. The application is disposed of with a direction to the Superintendent of Police, East Champaran, Motihari to personally look into the matter and if a report under Section 173(2) of the Code of Criminal Procedure has not been submitted before the court till date, he shall be required to ensure a prompt and early completion of investigation and submission of the police report before the court of Magistrate.

7. Let a copy of the order be transmitted to the Superintendent of Police, East Champaran, Motihari.

**(Ashwani Kumar Singh, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 06.08.2019 |
| Transmission Date | 06.08.2019 |

