

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.239 of 2017

Arising Out of PS. Case No.-228 Year-2016 Thana- BARHARA District- Bhojpur

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Ram Niwas Singh, Son of late Triyugan Singh, resident of Village - Ekawana,
Police Station - Barahara, District - Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Range, Patna.
4. The Deputy Inspector General of Police, Dehri-On-Sone, Rohtas.
5. The Collector, Bhojpur at Ara.
6. The Superintendent of Police, Bhojpur at Ara.
7. The S.H.O., Barahara Police Station, Barahara, District - Bhojpur.
8. Jai Nath Singh
9. Kashi Nath Singh
10. Ram Ishwar Singh
11. Dudh Nath Singh
Sl. No. 8 to 11 are sons of late Ram Nath Singh
12. Guddu Singh, son of Ram Ishwar Singh
13. Ravish Kumar Singh, son of Birendra Singh
14. Rahul Singh
15. Munna Singh
16. Suryadeo Singh
17. Uttam Singh
18. Shani Singh
Sl. No. 14 to 18 are sons of Kashi Nath Singh, all are residents of Village -
Ekawana, Police Station - Barahara, District - Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Choubey Jawahar, Advocate
For the Respondents-State: Ms. Prachi Pallavi AC to AG

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-07-2019

The prayer of the petitioner in Para 1 is as under:-



(i) To issue an appropriate writ, order or direction to the respondent authorities specially respondent No.7 may be directed to immediate take steps for arresting the private respondent No. 8 to 18 who are evading their arrest in a case of cognizable offence under Section 307 of the Indian Penal Code.

(ii) To issue an appropriate writ, order or direction to the respondent No.7 specially who are in collusion with the private respondent No.8 to 18 not investigating properly the case of the petitioner and as such the respondents are moving freely without fear and further threatening to kill the informant and his family members.

(iii) The respondent authority No.7 may be directed to hand over the charge of investigation of the petitioner's case namely Barahara Police Station Case No.228 of 2016 dated 06.07.2016 to the other Higher Officer of Police or Central Bureau of Investigation because the local police came under some influence and more interested not to arrest the accused persons of the aforesaid case and not properly investigate the case or taking/recording the statement of the witnesses properly in the case diary, Respondent No. 6 and 7 be directed to recover Rifle and to take blooded clothes and another articles.

(iv) To pass such other order or orders as this Hon'ble Court may deem fit and proper.



2. On perusal of the report submitted under Section 173(2) of the CrPC, annexed to the counter affidavit filed on behalf of the State, it would be evident that out of eleven accused persons named in the first information report, the case has been found true against five named accused persons and six others have not been sent up for trial. The accused, who have been sent up for trial have already been granted bail by Court.

3. Once the police have completed their investigation and filed report under Section 173(2) of the Code of Criminal Procedure, it is for the court concerned to apply its mind and pass appropriate orders in accordance with law.

4. Learned counsel for the petitioner has also conceded that due to subsequent developments, this application has become infructuous.

5. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
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