

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.961 of 2017

Arising Out of PS. Case No.-257 Year-2016 Thana- HISUWA District- Nawada

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Ganesh Kumar, son of late Sriram Prasad, resident of Village - Kella, P.S. -
Saare, District - Nalanda at present residing at Flat no. 204, Maa Kunj
Residency, New Karmik Nagar, P.S.-Sarai Kela, District - Dhanbad.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Home Department, Government of Bihar, Secretariat Patna
2. The Superintendent of Police, Nawada.
3. The Officer Incharge, P.S.-Hisua.
4. Satish Kumar @ Guddu Kumar, son of Arjun Ram, resident of village - Sonasa, P.S. - Hisua, District - Nawada.

... .. Respondents

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Respondent/s : Md. N. H. Khan, SC-I

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 30-04-2019

The petitioner is informant of the aforesaid Hisua P.S.
Case No.257 of 2016 dated 05.12.2016 registered under section
302 of the Indian Penal Code and 27 of the Arms Act.

2. It is contended that though the FIR has been
instituted in December, 2016, no effective steps have been taken
till date to apprehend the accused named in the FIR and put him on
trial. She contended that a direction be issued to the respondent



police officials to investigate the case properly and conclude the investigation without any further delay.

3. Learned counsel appearing for the State submitted that though there has been some delay in investigation of the case, the police are taking necessary steps so that the investigation may come to its logical end soon.

4. The investigation in a criminal offence is the exclusive domain of the police. At this stage, the Court has no role to play. However, in the name of investigation the police can not sit tight over the matter for an indefinite period. It is the bounden duty of the police to be sensitive and committed towards investigation in a criminal case. It is unfortunate that an investigation into an FIR, which was instituted under Section 302 of the Indian Penal Code in December, 2016 has not reached to its logical end till date. Under the circumstances, the Court may be compelled to infer that either the police are not capable to investigate or they are deliberately delaying the investigation. The Court may even hand over the investigation to any other agency.

5. However, before doing so, I would like to give one more opportunity to the police to be sensitive to the cause of investigation and redeem their past slackness in the matter.



6. The writ petition is disposed of with a direction to the Superintendent of Police, Nawada to personally monitor the investigation of the case. He shall ensure that the investigation of the case is effectively completed as early as possible, preferably within three months from the date of receipt/production of a copy of the order.

7. Registry shall transmit a copy of the order through Fax to the Superintendent of Police, Nawada forthwith.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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