

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.130 of 2019

Arising Out of PS. Case No.-97 Year-2018 Thana- BALIYA District- Begusarai

Md. Mohibur Rahman son of Late Motiur Rahman, resident of village-Kasba,
Ward no.13, P.S-Balia, Distt.-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Department of Home, Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Munger.
4. The Senior Superintendent of Police, Begusarai.
5. The Superintendent of Police(Town), Begusarai.
6. The Officer-in-Charge, Balia Police Station, Balia, Begusarai.
7. Shahjadi Khatoon wife of Late Md. Mojibur Rahman
8. Kausar Niyaji @ Chand
9. Wasim Akram @ Saheb
10. Md. Asif

All three sons of Late Mojibur Rahman, resident of village-Kasba,
Ward no.13, P.S-Balia, District-Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.Manish Kumar,, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 24-01-2019

Learned counsel for the petitioner has prayed for
issuance of a direction to the official respondents to complete
the investigation of Balia P.S.Case No.97 of 2018 dated
27.04.2018 registered under Sections 302 read with 34 of the
Indian Penal Code and 27 of the Arms Act as well as to arrest
the accused persons (Respondents no.7 to 10), who are named in
the first information report.

2. He contended that though the first



information report was registered on 27.04.2018, the investigation of the case has not been completed as yet. Even the private respondents, who are named as accused in the police case have not been arrested till date. He contended that the inaction of the police is alarming and indicative of the fact that investigation is not being committed in a fair and impartial manner.

3. Learned counsel for the State submitted that to hold investigation into a cognizable offence is the statutory right of the police. At this stage, the court has no role to play. He further contended that he is not aware as to whether investigation has been completed or not. He also contended that merely because a person is named in a police case, it is not necessary that he should immediately be arrested.

4. Be that as it may, there is no doubt that to hold investigation into a cognizable offence is the statutory right of the police. However, a sensitive and committed investigating agency is a must for a criminal trial. The police can not keep investigation of a serious case of murder pending for an indefinite period. The right to speedy trial includes right to speedy investigation. However, I must say that at the stage of investigation, no direction can be given to the police to arrest a



person named in the police case. To arrest or not to arrest would depend on several factors. There may be a case where the accusation may be false, concocted or fabricated. There may be a case in which even the informant may turn to be an accused. Hence, no direction is required to be given to the police at this stage in this regard.

5. Having said so, I dispose of the writ petition directing to respondent no.4 to personally look into the matter and, in case the investigation has not been completed as yet, he shall ensure that no further delay is caused in completion of investigation.

6. Let a copy of the order be sent to the Senior Superintendent of Police, Begusarai.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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