

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20840 of 2019**  
**In**  
**Criminal Writ Jurisdiction Case No.222 of 2019**

Arising Out of PS. Case No.-106 Year-2018 Thana- MAHILA P.S District- Supaul

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Nathuni Yadav Son of Bhuvan Yadav Resident of Village - Sukaila ward no. 01, Ghuran, P.S. and Distt - Supaul.

... .. Petitioner

Versus

1. The State of Bihar, through the Home Secretary, Govt. of Bihar
2. The director General of Police, Govt. of Bihar, Patna.
3. The Superintendent of Police, Supaul.
4. The deputy- Superintendent of Police, Supaul.
5. The S.H.O. of Supaul Mahila Police Station, District - Supaul.
6. The Investigating officer of Supaul Mahila P.S. Case No. 106/2018

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Raushan  
For the Opposite Party/s : Mr. Nand Kumar

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

2      14-08-2019                      This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for restoration of Cr.W.J.C. No. 222 of 2019, which was dismissed for want of prosecution vide order dated 31.01.2019.

Learned counsel for the petitioner submitted that he was busy in connection with the marriage of his sister and, thus, he could not appear in the case when it was called out and the case was dismissed for want of prosecution.

Considering the submission made above, the



application is allowed. Cr.W.J.C. No. 222 of 2019 is restored to its original file.

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The petitioner is the father of the informant of Supaul Mahila P.S. Case No. 106 of 2018 dated 08.08.2018.

It is submitted by the learned counsel for the petitioner that the police are not sensitive to the investigation of Supaul Mahila P.S. Case No. 106 of 2018. The approach in investigation is not professional. The investigating officer is taking no step in order to apprehend the accused persons named in the FIR. On the basis of the aforesaid submission, the petitioner has made a prayer that a direction be issued to the respondent



authorities specially respondent no.3, the Superintendent of Police, Supaul to properly investigate the case.

On the other hand, learned counsel for the State submitted that there is no truth behind the allegation made by the petitioner that the police is not sensitive and committed to the investigation of the case. He contended that the police are taking proper steps in accordance with law in order to find out the truth. The day the investigation would be completed, a report under Section 173(2) of the Cr.P.C would be filed before the court.

Having heard the parties, I see no merit in the application of the petitioner. The allegation made in the FIR do attract the ingredients of a cognizable offence. The matter is still under investigation. It is well settled position in law that at the stage of investigation the court has no role to play.

In that view of the matter, the writ petition is dismissed.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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