

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.604 of 2019

Arising Out of PS. Case No.-501 Year-2018 Thana- JAMUI District- Jamui

Sakendra Yadav, aged about 27 years, male, Son of Hari Yadav, resident of Village - Amrath, P.S.- Jamui, Distt.- Jamui, Bihar

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.
2. The Deputy Inspector General Munger Division, Munger.
3. The Superintendent of Police, Jamui.
4. The Officer In- Charge Jamui Police Station, Distt.- Jamui.

... .. Respondents

Appearance :

For the Petitioner : Mr. Akash Raj-Advocate

For the Respondents : Mr. M. Nasrul Huda Khan-SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

04-11-2019

Heard learned counsel for the petitioner and learned counsel for the State.

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to expedite the investigation of Jamui P. S. Case No.501 of 2018 and to submit charge-sheet expeditiously. The petitioner has further prayed for directing the respondents to take coercive steps against the accused persons of the case for their production before the Court of Magistrate and thereafter, to take step to conclude the trial of the case expeditiously.

3. The petitioner is informant of Jamui P. S. Case No.501 of 2018 dated 18.09.2018 registered inter alia under Section 302 of the Indian Penal Code. In the written report submitted by him,



he has made allegations against five persons namely, Pappu Mandal, Dinesh Mahto, Gautam Mahto, Sidheshwar Mahto and Prakash Mahto. Learned counsel for the petitioner contended that the police are in connivance of the accused persons of the case and they are neither investigating the case in proper manner nor are interested in arresting the accused persons of the case and all the five accused persons are wandering in the village freely and giving threat to withdraw the case. He contended that in this regard, representations were filed by the petitioner before the Superintendent of Police, Jamui and the Deputy Inspector General of Police, Munger on 12.01.2019 and 25.01.2019, respectively.

4. A counter-affidavit has been filed on behalf of the respondent no.3. In the said counter-affidavit, it has been stated that soon after institution of Jamui P. S. Case No.501 of 2018, Sri Vyas Singh was entrusted with the investigation of the case. The case was also supervised by the Sub-divisional Police Officer, Jamui and in his supervision report dated 02.12.2018, he gave directions to the then Investigating Officer of the case and when the direction of the Sub-divisional Police Officer was not carried out, he sought an explanation from the Investigating Officer of the case vide memo dated 15.04.2019 and the same was also informed to the Superintendent of Police, Jamui. The Superintendent of Police not only changed the earlier investigating officer of the case but also directed to initiate departmental proceeding against him vide Memo



dated 30.04.2019.

5. It is further stated in the said counter-affidavit that to expedite the investigation of the case and arrest of the accused persons, the Superintendent of Police, Jamui vide order dated 17.04.2019 constituted special investigation team under the leadership of the Sub-divisional Police Officer, Jamui consisting two Police Inspectors, three Sub-Inspectors and one Constable and deployed for operation. In course of investigation, the police made hectic search for arrest of the accused persons, who were evading their arrest and for compelling their appearance either before the police or before the Court. In view of the pressure mounted upon the accused persons, the accused Satyam Kumar and Tripurari Singh surrendered in court on 06.05.2019 and 07.05.2019, respectively and are still lying in judicial custody. Accused Dinesh Mahto and Pappu Mandal are evading their arrest and police has already executed the processes under Section 83 of the Code of Criminal Procedure against them on 06.06.2019 by attaching their properties. As far as accused Sidheshwar Mahto is concerned, the plea of alibi is being examined by the Investigating Officer of the case.

6. Highlighting the contentions made in the counter-affidavit filed on behalf of the respondent no.3, learned counsel appearing for the State stated that it is totally false and misleading statement given by the petitioner before the court that the police have connived to the accused persons and are neither investigating the



case in proper manner nor arresting the accused persons of the case. He contended that the police are committed to their duties and a sensitive and committed investigation is going on.

7. I have heard learned counsel for the parties and perused the materials on record.

8. It is an admitted fact that the case is still under investigation. To hold investigation into a cognizable offence is the statutory duty of the police. At this stage, the court has no role to play.

9. It is true that the petitioner has made allegations of inaction and connivance against the investigating agency. The allegations made by the petitioner may be partly true also as the respondent no.3 has admitted in his counter-affidavit that due to certain lapses on the part of the previous Investigating Officer, a disciplinary proceeding has been initiated against him. However, the police have taken a remedial action. A special investigation team has been constituted. The plea of alibi of one of the named accused is being investigated upon. The police have executed the order of attachment against two other accused persons. The remaining two accused persons have already surrendered.

10. Under the aforesaid factual background, it would not be proper to doubt the bonafide of the investigating agency in the matter of investigation of the case. Since submission of chargesheet against the accused persons named in the F.I.R. would depend on the



outcome of investigation. It would also not be proper for this court, at this stage, to direct the police to file charge-sheet against them.

11. In that view of the matter, the writ petition is disposed of with a direction to the respondents to conclude the investigation as early as possible and submit their report based on the outcome of the investigation under Section 173(2) of the Code of Criminal Procedure before the court without any undue delay.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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