

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.788 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- GOPALPUR District- West Champaran

Aslam Alam Son of Late Sadique Miyan Resident of Village - Parsauna
Gopalpur, P.S.- Gopalpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna
2. The Deputy Inspector General of Police, Champaran Range, Bettiah. Bihar
3. The Superintendent of Police, West Champaran, Bettiah. Bihar
4. The Sub-Divisional police Officer, Bettiah, West Champaran. Bihar
5. The Officer in Charge, Gopalpur Police Station, West Champaran. Bihar
6. Azad Alam Son of Majid Miyan Resident of Village - Padrauna, P.S.-
Sahodara, Distt.- West Champaran.
7. Saheb alam Son of Majid Miyan Resident of Village - Padrauna, P.S.-
Sahodara, Distt.- West Champaran.
8. Saddam Alam Son Majid Miyan Resident of Village - Padrauna, P.S.-
Sahodara, Distt.- West Champaran.
9. Majid Miyan Son of Late Asraf Miyan Resident of Village - Padrauna, P.S.-
Sahodara, Distt.- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Prabhat Kumar Verma

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-05-2019 This writ petition has been filed by the petitioner for directing the respondent nos. 1 to 5 to conduct fair and proper investigation and to take necessary legal action against the respondent nos. 6 to 9 in Gopalpur P.S. Case No. 144 of 2018 dated 08.10.2018 registered under Sections 379, 324 and 420 read with 34 of the Indian Penal Code.

Learned counsel appearing for the petitioner



submitted that the police is reluctant in doing anything in the name of investigation and expectations of fair, proper and impartial investigation is far reaching thing from the police and their indifferent attitude is against mandatory provisions of Section 173 of the Code of Criminal Procedure (for short 'Cr.P.C'), which lays down that the investigation should be completed without unnecessary delay.

On the other hand, learned counsel for the State submitted that the police are sensitive towards their duty and there is nothing on the basis of which lack of commitment of the police in investigation of the case can be shown. The statutory provision as provided under Section 157(2) of the Cr.P.C do not prescribe any time limit for completion of investigation. The FIR was instituted on 08.10.2018 and without even waiting for the outcome of investigation, the petitioner has approached this Court by way of filing the instant writ petition in which affidavit has been sworn on 3rd of April, 2019.

Having considered the submissions made on behalf of the parties, I am also of the opinion that no case for issuance of any direction to the respondent nos. 1 to 5 is made out. The petitioner should wait for the outcome of investigation and in case he has any grievance against the investigation of the case,



he can raise the same before the court concerned after the police report under Section 173(2) of the Cr.P.C is submitted.

With the aforesaid observation, the application is dismissed.

(Ashwani Kumar Singh, J)

pradeep/sneha

U		T	
---	--	---	--

