

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1254 of 2017

Arising Out of PS. Case No.-48 Year-2016 Thana- SAHPUR District- Bhojpur

Raj Nath Ojha. S/o Shri Narvadeshwar Ojha, Resident of Village- Ojhavalia,
P.S.- Shahpur, District- Bhojpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Additional Director General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Region, Patna.
5. The District Magistrate, Bhojpur at Arrah.
6. The Superintendent of Police, Bhojpur at Arrah.
7. The Investigating Officer, P.S.- Shahpur, District-Bhojpur at Arrah.

... .. Respondents

Appearance :

For the Petitioner : Mr. Subhash Kumar Mishra, Advocate
For the Respondents-State: Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 16-07-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondent authorities to carry out fair, impartial, independent and proper investigation in Shahpur P.S. Case No.48 of 2016 dated 12.02.2016.

2. Earlier, vide order dated 29.10.2018, this Court had directed the Director General of Police, Bihar, Patna to place on record the developments made in investigation and efforts taken to investigate the case from conspiracy angle.



3. Pursuant to the aforesaid order dated 29.10.2018, a supplementary counter affidavit has been filed on behalf of the Director General of Police, Bihar, Patna. In para 8 of the supplementary counter affidavit, it has been stated that since the case is still under investigation, so revealing the facts and evidences collected in course of investigation may cause adverse impact on the ongoing investigation.

4. However, photo copy of the up-to-date case diary, instructions issued on 08.11.2018 by the Criminal Investigation Department, Bihar, Patna, report 4 of the Superintendent of Police, Bhojpur and Memo No.2387 dated 26.11.2018 of the Criminal Investigation Department, Bihar, Patna have been submitted by the learned counsel for the State for perusal in sealed cover.

5. The facts giving rise to the instant application in narrow compass is that one Visheshwar Ojha, who had contested the Bihar Legislative Assembly Election from Shahpur Assembly Constituency, was killed on 12.02.2016. In this regard, fardbeyan of Raj Nath Ojha was recorded by Sub Inspector of Shahpur Police Station, namely, Ashbab Rai at Referral Hospital, Shahpur on 12.02.2016. In his fardbeyan, the informant had made allegation against six persons. Apart from the named accused persons, he had



also alleged that 3-4 unknown accused persons were also involved in the commission of murder.

6. After the completion of investigation, the police submitted first charge-sheet vide C.S. No.67 of 2016 dated 10.05.2016 against 12 accused persons, namely, Haresh Mishra, Brajesh Mishra, Umakant Mishra, Tuni Mishra, Basant Mishra @ Basant Mishra @ Vikash Mishra, Pappu Singh, Harendra Singh, Bhrigu Mishra @ Bhrigu Nath Mishra, Kundan Yadav @ Bijay Shankar Yadav, Santosh Choudhary, Bablu Thakur and Binod Thakur under Sections 147, 148, 149, 341, 307 and 302/120B of the Indian Penal Code and 27 of the Arms Act and kept the investigation open in the light of the directions given by the Supervising Officer. Thereafter, a supplementary charge-sheet was submitted vide C.S. No.150 of 2011 dated 19.12.2016 against one Madan Thakur and the investigation was kept open. On the disclosure made by one Haresh Mishra, certain arms were recovered, which were sent to the Forensic Science Laboratory, Patna on 28.04.2017 and a report from the Forensic Science Laboratory in this regard was received on 02.05.2017.

7. In the counter affidavit filed on behalf of the Superintendent of Police, Bhojpur (respondent no.6), it has been stated that during course of investigation scientific approach has



been adopted by the investigating officer. In respect of the seized mobile nos. of the accused Haresh Mishra, CDR, CAF and tower locations have been obtained and after obtaining the same action has been taken.

8. It has been submitted by the learned counsel for the State that all the accused persons have been arrested and all precautions are being taken by the investigating agency in order to provide protection to the witnesses and strongly pursue the case before the trial court.

9. Having perused the materials on record including the materials before me under the sealed cover, I see no reason to keep the writ application pending before the Court, as in course of investigation of a case, the police have taken appropriate steps to nab the offenders involved in the case. The weapon used in the crime have also been seized and they have been sent for forensic science examination, the CDRs and tower locations have also been obtained by the police.

10. Having regard to the steps taken by the police, no further direction is required to be issued by the Court.

11. The writ application is disposed of.



12. Let the documents produced before the Court in sealed envelop be returned to the learned counsel for the State for safe custody.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2019
Transmission Date	19.07.2019

