

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2534 of 2018

Arising Out of PS. Case No.-216 Year-2017 Thana- BAKHTIYARPUR District- Patna

Rekha Devi, W/o Karu Rai @ Karu Ram, Resident of Village- Uttari Chiraiya
@ Chiraiya, Police Station- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Govt. of Bihar, Patna
2. The Senior Superintendent of Police, Patna.
3. The Superintendent of Police (Rural), Patna.
4. The S.H.O., Bakhtiyarpur Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA -4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-02-2019

This writ petition has been filed by the petitioner for a direction to the respondents to complete the investigation of Bakhtiyarpur P.S. Case No.216 of 2017 dated 12.06.2017 registered *inter alia* for the offence punishable under Section 302 of the Indian Penal Code.

2. Learned counsel for the petitioner submitted that the first information report was registered on the basis of the oral statement of the petitioner as back as on 12.06.2017 alleging murder of her son. In the first information report, altogether ten



accused were named. Despite lapse of one and half years since date of institution of the first information report, the investigation of the case could not be completed. In the name of investigation, some formalities have been done and one Dukhan Rai, who was not even named, has been sent up for trial and investigation has been kept open in respect of other named accused persons. He pointed out that from perusal of the Charge-sheet No.1 of 2018 dated 10.01.2018, as contained in Annexure-2 to the instant application, it would be manifest that along with Dukhan Rai, the allegations made against the named accused Akhilesh Rai, Awadhesh Rai, Ranjeet Rai, Pintu Rai, Manjay Rai were also found true, but the investigation has been kept open and they have not been apprehended till date.

3. *Per contra*, learned counsel appearing for the State submitted that the investigating agency is doing its duty. It has apprehended one person Dukhan Rai, who was not named in the first information report and finding the case true against him submitted charge-sheet against him on 10.01.2018. As far as other five accused persons against whom the case was found true is concerned, they have not been sent up for trial along with Dukhan Rai simply because they could not be arrested by the police. It may be that the investigating agency would like to make custodial



interrogation of those accused persons and that is why the police report has not been submitted against them. He further contended that since the case is being investigated, it would not be proper for this Court to issue any direction.

4. Having heard the parties and perused the record, I find that though the first information report was instituted in June 2017, the investigation is not completed till date. There is no doubt about the fact that investigation in a criminal case come within exclusive domain of police. However, a sensitive and committed investigating agency is the need of the hour. The police cannot forget to investigate case after instituting the same. It becomes all the more important when the case relates to a serious offence like murder.

5. Considering the facts and circumstances of the case, I dispose of this writ petition with a direction to the petitioner to file a representation before the concerned Superintendent of Police within two weeks from today. In case, such a representation is filed, he shall ensure that the investigation is brought to its logical end as early as possible, preferably within three months from the date of filing of the representation.



6. It is made clear that this Court has not expressed any opinion on the merit of the allegations made in the first information report.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2019
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