

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1028 of 2016

Arising Out of PS. Case No.-102 Year-2015 Thana- HAJIPUR District- Vaishali

Saroj Devi wife of Late Mohan Lal Singh Resident of Mohalla- Hathsarganj,
P.S. Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Bihar, Patna and Ors null null
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. Inspector General of Police, Bihar, Patna.
5. Deputy Inspector General of Police, Tirhut Division, Muzaffarpur.
6. The Superintendent of Police, Vaishali, Hajipur.
7. The Deputy Superintendent of Police, Vaishali, Hajipur.
8. The Officer-in- Charge, Hajipur Town P.S., Vaishali, Hajipur.
9. The Investigating Officer, Hajipur Town P.S., Vaishali, Hajipur.
10. Dinesh Kumar Kushwaha son of Sri Ram Chandra Singh Resident of Village- Daudnagar, P.S. Vaishali, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Md.Nashrul Hoda Khan Sc-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-02-2020 Pursuant to the order dated 14.08.2018 when no counter affidavit was filed, this Court vide its order dated 18.02.2020 directed the Investigating Officer of the case to be present in this Court along with all records showing the progress made in course of investigation and a cost of Rs. 5,000/- was also imposed against the State subject to the realisation from the erring officials.

Today, the I.O. of the case (Respondent No. 9) has



appeared in-person. He has filed a counter affidavit. He has deposited the cost of Rs. 5,000/- with the Patna High Court Legal Aid Committee.

It is his submission that the investigation of Hajipur Town P.S. Case No. 102 of 2015 has been completed long back and a final form bearing No. 59 of 2018 was submitted on 10.02.2016. After submission of the final form in the said case the I.O. was transferred to Bidupur Police Station from Hajipur Town Police Station on 25.03.2016 and then again he was transferred to Sitamarhi Town Police Station from Bidupur where he joined on 01.08.2017. Once again he was transferred from Sitamarhi Town Police Station to Dehari Police Station, Chapra where he is presently working. It is his submission that he was not aware of the order passed by this Court for filing counter affidavit.

Learned counsel for the State while representing the I.O. has explained the circumstances under which the counter affidavit was not filed and at the same time he has given emphasis on the fact that on 14.08.2018 while addressing this Court the learned counsel for the petitioner was not correct in saying that the I.O. of the case is not taking any step after lodging of the FIR. The fact of the case was that the final form



was already filed much before filing of the writ application but this was not disclosed to this Court.

Having heard learned counsel for the petitioner and the State, this Court finds substance in the submission of learned counsel for the State. At the first instance, this Court finds that the writ application was presented before this Court on or after 22.09.2016 when the affidavit was sworn in the writ application, much before that final form had already been submitted by the I.O. and the petitioner had filed a protest petition in the court below, but the fact that the investigation of the case is already complete was not informed to this Court. In Paragraph 16, 17, 18 and 19 of the writ application statements have been made giving an impression that the Investigating Officer of the case is sitting tight over the matter. This was not a correct statement and because of this the Court has entertained this writ application.

In the present facts and circumstances of the case which have come on the record, this Court finds no reason to proceed with the writ application. Since the writ application was entertained on wrong statement made by the petitioner in the writ application and thereafter the I.O. has been made to pay the cost of Rs. 5,000/-, this Court deems just and proper while



dismissing the writ application to impose a cost of Rs. 5,000/- on the petitioner which now the petitioner will pay to the Investigating Officer of the case who has paid the cost from his own pocket. This is required in the interest of justice. Let the said amount be paid within six weeks from today.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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