

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1870 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- BIBHUTIPUR District- Samastipur

RAM NARAYAN THAKUR Son of Baleshwar Thakur Resident of Village -
Ward No.4, Kalyanpur Bamola, P.S.- Bibhutipur, Distt.- Samastipur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, HOME DEPTT, GOVT. OF BIHAR, PATNA
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Samastipur. Bihar
4. The Station House Officer, Bibhutipur Police Station Samastipur, Distt.- Samastipur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate
For the Respondent/s : Mr. AC to AG 3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-01-2020 Learned counsel for the petitioner submits that although Bibhutipur P.S. Case No. 93 of 2019 registered under Sections 307, 323, 324, 341, 447 of the Indian Penal Code has been lodged as back as on 17.05.2019, till date the investigation has not proceeded and the Investigating Officer is sitting idle in the matter. It is also submitted that at the same time the Superintendent of Police, Samastipur is also not taking any steps to expedite the investigation and other action.

Learned counsel for the State submits that if the Investigating Officer is not proceeding with the investigation, the petitioner may bring it to the notice of the concerned jurisdictional Magistrate and in view of the judgment of the Hon'ble Supreme



Court in the case of **Sakiri Vasu Vs. The State of U.P. and Ors.** reported in **(2008) 2 SCC 409**, the learned Magistrate would be well within his power to monitor the investigation.

Having heard learned counsel for the petitioner and the State, this writ application is being disposed of with liberty to the petitioner to file an appropriate application before the concerned jurisdictional Magistrate for passing appropriate order to the Investigating Officer to complete the investigation in accordance with law.

On filing of such application, learned court below shall consider the same and pass such order/orders as may be deemed just and proper in the facts and circumstances of the case.

This would, however, be without prejudiced to the right of the petitioner to bring this to the notice of the Superintendent of Police, Samastipur (respondent no. 3) who will look into the matter.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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