

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.319 of 2020**

Arising Out of PS. Case No.-905 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. SAMBHU RAM S/o Late Basudeo Ram @ Lambu Ram Resident of Village- Raghunathpur, Ward No.3, P.S.- Raghunathpur (O.P.), town Motihari, Distt- East Champaran
 2. Ram Ekbal Ram @ Ekbal Ram S/o Late Gopi Charan Ram @ Sarju Ram Resident of Village- Raghunathpur, Ward No.3, P.S.- Raghunathpur (O.P.), Town Motihari, Distt- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECTT. MINISTRY OF HOME AFFAIRS GOVT. OF BIHAR PATNA
2. The Director general of Police Bihar at Patna
3. The Inspector general of Police Tirhut division, Muzaffarpur.
4. The D.I.G. Bettiah. Bihar
5. The Superintendent of Police East Champaran at Motihari Bihar
6. The S.H.O. Turkaulia (Raghunathpur O.P.), Police Station, District East Champaran. Bihar
7. The investigating Officer, Turkaulia (Raghunathpur O.P.) Police Station. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.
For the Respondent/s : Mr.Anil Kumar, AC to SC-8

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 10-08-2021 It appears on perusal of the rejoinder filed on behalf of the petitioners to the counter affidavit of the State that earlier the petitioners had lodged SC/ST P.S. Case No.114/2020. Later on the investigating agency found that the case was false and submitted a final form bearing no.04/2020 dated 27.01.2020 saying that the allegations have been found false.



In the present case, the same petitioners are looking for a direction from this Court for proper investigation of Turkaulia (Raghunathpur O.P.) P.S. Case No.905/2019 registered for the offences alleged under Sections 147, 149, 323, 354, 379, 435 and 504 of the I.P.C. and Sections 3(i)(r)(s) of SC/ST Act.

The counter affidavit filed on behalf of the State explains that there is a case and counter case between the parties. The accused side have also lodged a case being Turkaulia P.S. Case No.906/2019. The parties are also litigating in Title Suit No.494/2018.

Learned counsel for the petitioners submits that the investigating agency is acting in connivance with the accused, however, no prima-facie material has been placed before this Court to show that the investigating agency is acting with any extraneous reason. The counter affidavit explains the steps taken in course of investigation so far and it further states that the investigation is still going on.

In the nature of the materials placed before this Court, this Court finds no reason to issue an extraordinary writ of mandamus in exercise of its power under Article 226 of the Constitution of India.



In the case of **Sakiri Vasu Vs. State of U.P.** reported in **(2008) 2 SCC 409**, the Hon'ble Supreme Court has held that the learned Magistrate before whom the case is pending has got ample power to issue such direction to the investigating agency which may be required while monitoring the investigation.

In the opinion of this Court, if so required, it is open to the petitioners to seek their remedy in accordance with law in the learned court below.

This writ application stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

