

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84301 of 2019

Arising Out of PS. Case No.-435 Year-2018 Thana- BUDDHACOLONY District- Patna

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Sandeep Kumar, aged about 40 years, male, Son of Shri Bachchu Prasad Singh, Resident of Akhatwara, Bahadurpur, P.O.- Ballipur, District- Samastipur, Bihar. Presently residing at Shashtrinagar, CID Colony, Quarter No.19/48, P.O. and P.S.- Shashtrinagar, District- Patna, Bihar - 800023.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73599 of 2019

Arising Out of PS. Case No.-436 Year-2018 Thana- BUDDHACOLONY District- Patna

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Sandeep Kumar, aged about 40 years, male, Son of Shri Bachchu Prasad Singh, Resident of Village - Akhatwara, Bahadurpur, P.O. - Ballipur, Distt. - Samastipur, Bihar. Presently residing at Shashrinagar, CID Colony, Quarter No. 19/48, P.O. and P.S.- Shashtrinagar, Distt. - Patna, Bihar - 800023.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In both the cases)

For the Petitioner/s : Mr. Kumar Shashank, Adv.
Mr. Apurv Harsh, Adv.



Mr. Manu Tripurari, Adv.
Mr. Sujeet Kumar, Adv.
Mr. Prashant Bhardwaj, Adv.
For the State : Mr. S.D. Yadav, A.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-11-2021 **In Cr. Misc. Nos. 84301 of 2019 and 73599**
of 2019 :

Heard Mr. Kumar Shashank, the learned Advocate
for the petitioner and Mr. S.D. Yadav, the learned Addl.
Advocate General for the State.

Both the applications have been filed for quashing
of the First Information Reports of Buddha Colony P.S. Case
Nos. 435 of 2018 and 436 of 2018 respectively, dated
02.11.2018, instituted for the offences under Sections 147,
148, 149, 188, 341, 342, 323, 324, 325, 307, 326, 332,
333, 337, 338, 353, 427, 449, 450, 451, 452, 461 and
120(B) of the Indian Penal Code and Sections 3 and 4 of the
Damage to Public Property Act.

The learned counsel for the petitioner, in both the
cases, has strenuously argued that none of the offences
charged against him can at all be said to have been made



out. He further submits that during the course of investigation, his presence at the place of occurrence also has been doubted. Nonetheless, he has again reiterated that the investigation still has been kept pending like a Damocle's sword hanging over his head.

During the pendency of these cases, the petitioner was dismissed from service but with the intervention of the Court, he was reinstated. Again, he has been suspended, perhaps in contemplation of any departmental proceeding.

All that this Court can direct is that the investigating agency ought to complete the investigation. The investigation began in the year 2018. Had the investigating agency been careful, the investigation would have been concluded by now.

However, in view of the statement made by Mr. Yadav, learned A.A.G. that the investigation shall be conducted in a fair and impartial manner and shall positively be concluded within a period of three months from today, this Court only directs that the commitment made by the learned A.A.G. be fulfilled and the investigation be concluded



preferably within a period of three months. This time frame would also entail the co-operation of the accused persons in the investigation.

It will be open for the petitioner to approach this Court, in case the time frame is flouted. The petitioner shall also be entitled to raise all the grounds which have been raised in the present applications at an appropriate stage.

With the aforesaid observation/direction, the applications stand disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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