

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1650 of 2017

Arising Out of PS. Case No.-125 Year-2017 Thana- MADANPUR District- Aurangabad

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Ramashish Prajapat Son of Late Sohar Prajapat, Resident of War, P.S.-
Madanpur, District- Aurangabad, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home, Government Of Bihar, Old Secretariat, Patna
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Zonal Inspector General of Police, Magadh Range, Gaya.
5. The Deputy Inspector General of Police, Gaya.
6. The Superintendent of Police, Aurangabad, Bihar.
7. The Deputy Superintendent of Police, Daudnagar, SIT Aurangabad.
8. The Deputy Superintendent of Police, Aurangabad.
9. The S.H.O. Madanpur Police Station, Aurangabad, Bihar.
10. Shankar Yadav, Son of Nageshwar Yadav, Resident of Village Ahirbigha, P.S. Madanpur, District Aurangabad, Bihar.
11. Naresh Yadav, Son of Bharat Yadav, Resident of Village Ahirbigha, P.S. Madanpur, District Aurangabad, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shashi Kumar, Advocate
For the Respondent/s : Mr.Md. Harun Qureshi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and State.

It appears that this writ application was filed in the year 2017 seeking a direction to the official respondents to provide security to the petitioner and his family members on account of constant threat perception created by the private respondents. The petitioner also prayed for a direction to



complete the investigation of Madanpur P.S. Case No. 125 of 2017 lodged by the petitioner on 30.05.2017 under Section 302/34 I.P.C for the murder of his son and to complete the investigation and submit a report in the matter.

A counter affidavit has been filed on behalf of the State. In paragraph '9' thereof it is stated that in course of investigation, the Investigating Agency has collected materials showing that the case is true against F.I.R named accused (1) Jay Prakash @ Monu (2) Tuntun Singh @ Pranav Singh (3) Sushil Kumar @ Bhura (4) Ajay Yadav (5) Ram Chandra Yadav (6) Vinay Yadav @ Vinoba all of village- Yadav Nagari, P.S. - Madanpur, District- Aurangabad. It is further stated in paragraph '10' that all the F.I.R named accused surrendered in the learned court below and thereafter they were sent to judicial custody. The Investigating Agency has submitted a chargesheet against the named accused.

It is further stated in paragraph '11' that the S.H.O. of Madanpur Police Station has already deputed the Chowkidar and Dafadar to provide security to the informant of the case, namely, Ramashish Prajapat and the S.H.O, Madanpur Police Station has been directed to keep strict vigil on this situation. The supplementary investigation was kept pending on some



issues including as to the involvement of Shankar Yadav and Naresh Yadav.

Learned AC to SC 1 for the State submits that in case the petitioner would have any threat perception, in terms of the statements made in the counter affidavit, the S.H.O of the concerned police station who has been asked by the competent authority to take care of the situation and keep strict vigil may be approached.

Having regard to the facts and circumstances of the case, in view of the statements made in paragraph '11' of the counter affidavit, this Court is of the view that in case the informant or any of his family members or witness of the case is under threat, he/they may immediately approach the S.H.O of Madanpur Police Station who will be obliged to look into the threat perception of the informant and other persons and take suitable measures. If the trial of the case is still pending, it will be all the more necessary to protect the witnesses.

So far as the fact that the investigation was kept pending against Shankar Yadav and Naresh Yadav, this Court directs the Superintendent of Police, Aurangabad (respondent no. 6), to supervise the case at his own end within two weeks from the date of receipt/communication of a copy of this order



and take an appropriate view thereon on the basis of the materials available on the record but the investigation cannot be kept pending for several years. In this case, more than 5 years have already gone.

The Superintendent of Police, shall ensure the completion of investigation and submission of a supplementary report in accordance with law within a maximum period of 4 months from the date of communication of this order.

This application stands disposed of accordingly.

(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'.

