

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.252 of 2017

Arising Out of PS. Case No.-69 Year-2010 Thana- ALAMGANJ District- Patna

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Anil Kumar Son of Late Ram Babu Sah, Resident of Danka Imli, Gulzarbagh,
P.S.- Alamganj, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar through Its Chief Secretary, Old Secretariat Building, Patna
2. The Principal Secretary, Home, Old Secretariat Building, Patna.
3. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
4. The Inspector General of Police, Patna Region, Patna.
5. The Senior Superintendent of Police, Patna.
6. The City Superintendent of Police, Patna.
7. The Dy.S.P., Patna City, Patna.
8. The Officer Incharge -cum- Investigating Officer, Alamganj Police Station, Patna.
9. The Central Bureau of Investigation through its Superintendent of Police, Patna Office, Bihar, Patna, Bihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s : Mr. Ajay Kumar AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-10-2022 Heard learned counsel for the petitioner and learned counsel for the State.

By filing this writ application, the petitioner prayed for a direction to transfer the investigation of Alamganj P.S. Case No. 69 of 2010 to the Central Bureau of Investigation as the State police has failed to locate and trace out the minor daughter of the petitioner and the investigation was still going on.

In course of hearing, learned counsel for the petitioner



submits that out of three named accused persons, the accused no. 1 Sonu Kumar, son of Anil Kumar @ Pappu was found juvenile and upon his surrender, a charge-sheet was filed against him but taking advantage of his juvenility he has been granted bail.

So far as the other two accused namely Anil Kumar @ Pappu, son of Rambhaju Prasad and Anita Verma, wife of Anil Kumar alias Pappu are concerned, for their arrest raids were conducted. Presently, they are on bail. Police has also published a photograph of the missing girl and has declared a reward for the person who will give information in regard to the said missing girl. It is further stated that police has submitted a charge-sheet also against Anil Kumar @ Pappu and Anita Verma vide charge-sheet no. 929 of 2022 dated 30.09.2022 under Sections 364/302/201/34 IPC.

Learned counsel for the State submits that from the supplementary counter affidavit, it would appear that despite all efforts taken by police, the whereabouts of the victim girl could not be known. Police has presently submitted a charge-sheet against the named accused persons and undertakes to initiate further investigation, if any cogent material comes to the notice of the investigating agency.

Having regard to the aforesaid submissions and the materials available on the record, this Court is of the considered opinion that transfer of the investigation to another agency cannot be ordered in a routine manner. The only reason which has been shown to this



Court as a ground seeking transfer of the investigation is that the whereabouts of the victim has not been known despite lapse of twelve years. This Court finds that the case was initially registered under Sections 366A/120B IPC against the named accused persons. They have obtained bail and despite all efforts taken by the investigating agency, the whereabouts of the victim has not been known. As on today, more than twelve years have gone past. Under these circumstances, in absence of there being any submission that the action of the investigating agency does not instill confidence in the mind of the petitioner or that there was any lack of bonafides on the part of the investigating agency in completion of investigation, this Court is not inclined to exercise its extraordinary writ jurisdiction to direct transfer of this case.

This application is, thus, disposed of with liberty to the petitioner to file an appropriate application before the investigating agency for further investigation as and when some materials come to the notice of the agency.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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N.ote: 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'.

