

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL CHAMBERS VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.463 of 2017**

Arising Out of PS. Case No.-326 Year-2016 Thana- SHASTRINAGAR District- Patna

Jubair Alam Son of Late Nizamuddin, Resident of Daniel Mansion Apartment, Flat No. 205, IInd Floor, Neel Kanth Colony, Ashiana Digha Road, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Home (police) Department, Bihar, Patna
2. The Principal Secretary, Home (Police) Department, Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Central Range, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Deputy Superintendent of Police, Sachivalaya, Patna.
7. The Station House Officer, Shastri Nagar, Police Station, Patna.
8. The Investigating Officer, Shastri Nagar, Police Station, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Advocate
For the Respondent/s : Mr. Deepak Kumar, AC to GP 4

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

3 09-09-2022 Heard learned counsel for the petitioner and Mr. Deepak Kumar, learned AC to GP 4 for the State.

The petitioner in the present case is seeking a direction in the nature of a Writ of Mandamus commanding the respondents to hand over the investigation of Shastri Nagar P.S. Case No. 326 of 2016 to an independent investigating agency.

A perusal of the writ application would show that the petitioner and the accused are own brothers and the FIR in question has been lodged alleging that the accused brother has



committed theft in the flat in which the petitioner was residing. The petitioner admits that the flat is owned by his elder brother Md. Jahiruddin but he claims that with his son he was residing in the said flat.

Be that as it may, in the nature of the dispute alleged and there being no foundation of fact or ground providing any adequate reason for taking a view to transfer investigation to any other agency, this Court finds no plausible reason to proceed with this case.

If the investigation of the case is still pending, the common order passed today by this Court in the batch of writ applications lead case being Cr.WJC No. 153 of 2017 will be applicable and the petitioner may seek his remedy in accordance with law as also in terms of the directions given by this Court by the common order in those writ applications.

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'.

