

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.5 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

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Priya Ranjan Das, S/o Sri Sitaram Das, R/o village- Mukheriya, P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Director General of Police, Bihar, Patna Bihar
3. The Superintendent of Police, Banka Bihar
4. Chief Secretary, Govt. of Bihar, Patna Bihar
5. Principal Secretary, Department of Home, Govt. of Bihar, Patna Bihar
6. Principal Secretary, Department of Agriculture, Govt. of Bihar Patna Bihar
7. S.H.O. Banka Police Station, Banka Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Learned counsel for the petitioner submits that during the pendency of this writ application the FIR has been lodged, hence, the relief prayed to that extent has become infructuous.

It is further submitted that though the FIR has been lodged but the investigation is not taking place.

Contrary to the submission of learned counsel for the petitioner, the counter affidavit filed on behalf of the State



reveals that the investigating officer has already taken up the investigation. The restatement of the informant has been recorded, the I.O. had gone to the place of occurrence and now the case is under investigation.

Having regard to the materials placed before this Court, this Court is of the considered opinion that nothing survives in this writ application and it is fit to be disposed of as having become infructuous. Needless to say that in case the petitioner has any grievance in respect of the investigation of the case, he may file an appropriate application before the learned Jurisdictional Magistrate requesting him to monitor the investigation in exercise of his power under Section 156(3) Cr.P.C. in the light of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu vs. State of U.P. & Ors.** reported in **2008 (2) SCC 409**.

(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'.

