

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.2406 of 2017**

Arising Out of PS. Case No.-366 Year-2016 Thana- SAUR BAZAR District- Saharsa

Raj Kumari D/o Kamleshwar Yadav, Resident of Village- Karimath, P.S.
Saurbazar O.P. Patarghat, District- Saharsa.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Saharsa.
4. The Dy. S.P. Saharsa.
5. The Station House Office, Saur Bazar, Saharsa.
6. Sri Kamlesh Kumar, Investigation Officer, Saur Bazar, Saharsa.
7. Nand Kishore Yadav, S/o Late Kali Yadav.
8. Prabhash Yadav, Son of Nand Kishore Yadav.
9. Devish Yadav, Son of Late Kali Yadav,
10. Abinash Yadav, Son of Nand Kishore Yadav, All 7 to 10 resident of Village Karimath, P.S. Saur Bazar Patarghat O.P., District- Saharsa.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Advocate
For the Respondent/s : Mr.Md. Harun Quereshi, A.C. to S.C.-1

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

2 18-11-2022 Learned counsel for the petitioner has pointed out the statements made in paragraph ‘9’ of the counter affidavit filed on behalf of the respondent no. 3. It is stated therein that after investigation no substantive material evidence was found against the other named accused persons save and except Pramod Kumar and hence, as regards the other accused a final form has already been submitted in this case vide Final Form



No. 181/2017. A copy of the same has been enclosed as Annexure 'A' to the counter affidavit.

Learned counsel for the petitioner rightly submits that on a bare perusal of Annexure 'A' to the counter affidavit it will appear that it is chargesheet bearing number 181 of 2017 submitted against Pramod Kumar but the conclusion part of the chargesheet specifically states that the investigation has been kept pending against the other named accused. It is, thus, submitted that the statements made in Para '9' of the counter affidavit are contrary to Annexure 'A'.

Learned counsel submits that if the investigations were kept pending against the other accused, there was no reason for the deponent of the counter affidavit to say that a final form has been submitted against the other accused persons.

Learned counsel for the State is unable to answer this.

In these circumstances, this Court directs the Superintendent of Police, Saharasa (Respondent No. 3) to examine this aspect of the matter within a period of four weeks from the date of communication of this order, take a suitable decision thereon on the basis of the materials collected in course of investigation and submit appropriate report in the learned court below, if not already submitted. In any case such report, if



required to be submitted must be submitted within a period of four months from the date of communication of this order.

Learned court below in whose jurisdiction the case is pending shall monitor the investigation to ensure that the police report is duly submitted in this case within a reasonable period as stated above.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

