

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.33 of 2021

Arising Out of PS. Case No.-200 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

=====

AJAY KUMAR Son of Late Surendra Prasad Resident of Village - Itwan
(Raniganj), P.S.- Gurua, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through The Home Secretary, Govt. Of Bihar, Patna
2. The Director General of Police Bihar, Patna.
3. The Senior Superintendent of Police, Gaya.
4. The Officer in Charge of Magadh Medical Police Station, Distt.- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Shivendra Prasad, Advocate
For the Respondent/s	:	Mr.Md. Nadim Seraj, GP 5
		Mr. Iqbal Asif Niazi, AC to GP 5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-08-2022 Heard Mr. Shivendra Prasad, learned counsel for the

petitioner and Mr. Nadim Seraj, learned GP 5 assisted by Mr.

Iqbal Asif Niazi AC to GP 5 for the State.

Ms. Harpreet Kaur, Senior Superintendent of Police,

Gaya is present in person.

A counter affidavit has been filed on her behalf. She

admitted the lapses in the matter of the investigation, made in

paragraph 7, 8 and 9 of the counter affidavit.

The investigation of the case was earlier handed over

to the Police Sub-Inspector Subodh Kumar Singh. Thereafter,

the investigation was entrusted to the Police Sub-Inspector



Praveen Kumar. Attention of this Court has been drawn towards Annexure R-3/C which is a letter dated 28.07.2022 written by the Senior Superintendent of Police, Gaya to the Inspector General of Police, Magadh Division, Gaya. A perusal of the letter would show that the investigation of the case was handed over to one Rajesh Kumar who was the Dy. S.P. (Probation). At the relevant time he was the Officer-Incharge of the Magadh Medical Police Station. After the investigation was handed over to him no further progress took place. The earlier I. O. Subodh Kumar Singh who had seized the articles had not sent it to the Forensic Science Laboratory.

This Court has been informed that the Sub-inspector of Police Subodh Kumar Singh has been placed under suspension for the alleged dereliction in duty and a departmental proceeding has been initiated against him. The Court has also been informed that the Sr. S.P., Gaya has recommended the Headquarter for initiating an appropriate disciplinary proceeding against Rajesh Kumar, the then Officer-Incharge of Magadh Medical Police Station -cum- Dy. S.P. (Probation) for his dereliction in duty.

The Sr. Superintendent of Police has submitted before this Court that the investigation will be completed within



a maximum period of four months from today and an appropriate report in terms of Section 173 of the Code of Criminal Procedure shall be filed in the competent court within the same period. This Court has been ensured that the investigation will be carried on from all angles and the Sr. S.P. shall personally supervise the case.

In the aforesaid view of the matter this Court is disposing of the writ application with a direction to the Sr. Superintendent of Police, Gaya to personally supervise the case and ensure the investigation comes to an end within the period of four months from today and a police report in terms of Section 173 Cr.P.C. is filed before the competent court of law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

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'.

