

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.579 of 2022

Arising Out of PS. Case No.-379 Year-2020 Thana- ALOULI District- Khagaria

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Anjani Mandal, S/o Amrendra Kumar Pradip, R/o village- Rampur Alauli,
P.S.- Alauli, District- Khagaria

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Dept. of Home (Police), Government of Bihar, Patna.
2. The Principal Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Chief Secretary, Government of Bihar, Patna.
4. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Inspector General of Police, Patna, Bihar.
7. The Deputy Inspector General of Police, Begusarai Region, Begusarai.
8. The Superintendent of Police (C.I.D.), Bihar, Patna.
9. The Superintendent of Police, Khagaria.
10. The Deputy Superintendent of Police (Head Quarter), Khagaria.
11. Sub Divisional Police Officer, Sadar, Khagaria.
12. Station Head Officer, Alauli Police Station, District Khagaria.
13. Investigating Officer of Alauli P.S. Case No. 379/2020, P.S.- Alauli, District- Khagaria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar, Advocate.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2022 Heard learned counsel for the petitioner.

In this case the petitioner is seeking a direction to the respondents to conduct proper, fair and impartial investigation in connection with Alouli P.S. Case No. 379 of 2020 dated 07.12.2020 and to further investigate on 19 points named by the



Superintendent of Police (CID), Bihar , Patna in his memo no. 783/c dated 29.06.2021.

Learned counsel for the petitioner submits that from memo no. 5168 dated 05.10.2021, it would appear that reminder was sent by the Superintendent of Police(C), CID, Bihar to Superintendent of Police, Khagaria citing non-compliance of investigation on 19 points framed by him in relation to the case in question. A report was sought for accordingly by sending a reminder vide Memo no. 6322 dated 26.10.2021 by S.P., Khagaria to S.D.P.O. Sadar, Khagaria but despite all these efforts, the Investigating Officer did not comply with the directions to investigate on those 19 points and in a hurry filed a charge-sheet.

Learned counsel submits that in this manner the investigation has not been done properly and in impartial manner. It is submitted that while speedy investigation as a part and parcel of the concept of speedy trial, while doing the investigation the rights of an accused are also to be protected. One of the rights of the accused is to get a fair and impartial investigation.

No one appears on behalf of the State to oppose this application.

In the given facts and circumstances of the case where this Court finds that the petitioner has *prima-facie* satisfied this



Court that the I.O. was required to comply with the directions of the supervising authority which allegedly he has not done, at this stage when a chargesheet has already been filed in the court below, this Court grants liberty to the petitioner to file an appropriate application under Section 173(8) of the Code of Criminal Procedure before the learned Magistrate seeking further investigation of the case.

If any such application is filed within a period of 30 days from the date of this order, the same will be considered by the learned Magistrate keeping in view the law on the subject.

This application stands disposed of accordingly.

Certified copy of this order shall be made available only after removal of the defects.

(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'.

