

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.601 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

RAM SUBHAG SINGH Son of Late Shiv Prasad Singh Resident of village -
Pritampur, P.S.- Charpokhari, District - Bhojpur at Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Sardar Patel Bhawan, Bailey Road, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General of Police, Patna Range, Patna.
5. The Additional Director General of Police (CID), Sardar Patel Bhawan, Bailey Road Patna.
6. The Superintendent of Police, Bhojpur at Ara.
7. The Sub Divisional Police Officer, Piro, Bhojpur at Ara.
8. The Investigating Officer, Charpokhari, Piro, Bhojpur at Ara.
9. The Station House Officer, Charpokhari, Piro, Bhojpur at Ara. Bihar

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms. Nisha Singh, Advocate Mr.Gajendra Prasad Yadav, Advocate
For the Respondent/s	:	Mr.Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2022 Heard Ms. Nisha Singh, learned counsel for the
petitioner and Mr. Manoj Kumar, learned AC to GP-4 for the State.

Learned counsel for the s

Ms. Nisha Singh, learned counsel for the petitioner submitted that by filing the present application the petitioner is seeking a direction to the respondent authorities to conduct a proper and impartial investigation in Charpokhari P.S. Case No. 203/2021 dated 16.11.2021 under Sections 341/342/504/302/379/120B/34 of the Indian Penal Code and 27 of the Arms Act.



Learned counsel submits that the petitioner is father of an accused of the said case and he is not satisfied with the kind of investigation conducted by the investigating agency of this case. Some discrepancies have been sought to be mentioned in the matter of institution of the F.I.R., preparation of the inquest report and in the matter of conduct of autopsy on the dead body.

It is submitted that the Hon'ble Supreme Court has condemned on investigation where it is found that the F.I.R. was registered after preparation of the inquest report and the post-mortem report. Reliance in this regard has been placed on the judgment of the Hon'ble Supreme Court in the case of **Balaka Singh and others Vs. State of Punjab** reported in **AIR (1975) SC 1962 : R. Kuppusamy versus State represented by the Inspector of Police, Ambeiligai** reported in **(2013) 3 SCC 322** as also **Sri Sambhu Das @ Bijoy Das & Anr vs State of Assam** reported in **(2010) 10 SCC 374**.

It is submitted that the petitioner has represented before the various authorities for conduct of fair investigation but no action has been taken in this regard, hence the present petition.

A counter affidavit has been filed on behalf of the respondent no. 6 through Dy.S.P., Headquarter, Bhojpur. It is stated therein that after institution of the F.I.R. it has been investigated and a charge-sheet vide CS No. 21/2022 dated



30.01.2022 has been filed against all FIR named accused persons and non-FIR accused persons. It is stated that the alleged occurrence in this case took place at 2 P.M. on 15.11.2021 and after the death of the newly elected Mukhiya the law and order problem arose, therefore, after pacifying the villagers, fardbeyan was recorded at 23:15 hours on 15.11.2021.

Learned counsel for the State is permitted to make necessary correction of typographical error in paragraph '8' of the counter affidavit.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court finds that the charge-sheet in this case has been filed much before filing of the present writ application. Thus, on the date of filing of the writ application the investigation of the case was already over. Nothing remains to be done in the present case at this stage.

This Writ Application is, therefore, disposed of with liberty to the petitioner to seek his remedy in appropriate jurisdiction and in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

