

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL CHAMBERS VIA VIDEO APPLICATION)**

Criminal Writ Jurisdiction Case No.680 of 2017

Arising Out of PS. Case No.-157 Year-2016 Thana- MAHUA District- Vaishali

Ajay Kumar Son of Late Babu Lal Rai, resident of Village- Hasanpur
Bhadwas, P.S. Mahua, District- Vaishali. Petitioner

Versus

1. The State Of Bihar Through The Director General Of Police, Government Of Bihar, Patna
2. The Deputy Director General of Police, Tirhut Division, Muzaffarpur.
3. The Superintendent of Police, Vaishali at Hazipur.
4. The S.H.O. Mahua Police Station, District- Vaishali.
5. The Investigation Officer, Mahua Police Station, District- Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 09-09-2022 No one appears for the petitioner.

This writ application has been filed in the year 2017 and has already remained pending for 5 years. Earlier also when the matter was taken up on 10.01.2020, no one appeared on behalf of the petitioner but this Court adjourned this matter by way of last indulgence.

In the given circumstance, this Court proposes to dispose of this writ application on the basis of the materials available on the record.

This writ application has been preferred seeking a direction to the respondents to conduct further investigation in the facts and circumstances of the occurrence as alleged in Mahua P.S. Case No. 157 of 2016.



On perusal of the writ application, it appears that the petitioner is aggrieved by and dissatisfied with the investigation, as according to him, the chargesheet has been submitted in this case against the petitioner vide chargesheet no. 235 of 2017 dated 30.07.2016 in a totally casual manner for the offences under Sections 147, 148, 149, 302, 307 of the Indian Penal Code and Section 27 of the Arms Act.

This Court finds that in terms of the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu vs. State of U.P. & Ors.** reported in **AIR 2008 SC 907** apart from the investigating agency having a power to conduct further investigation on the basis of the materials which may come to their notice, the learned Magistrate within whose jurisdiction the case is pending may also direct for further investigation. The petitioner has not filed any application in the learned court below seeking further investigation of the matter. Further it appears that after filing of the chargesheet, the petitioner has not brought any material to the notice of the police authority to necessitate further investigation.

In such circumstance at this belated stage of more than 5 years, this Court would not entertain this application. It is dismissed accordingly.

(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'.

