

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL CHAMBERS VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.287 of 2017**

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

Subodh Yadav Son of Bramdeo Yadav, Resident of Village-Alauli, P.S.-Alauli,
District-Khagaria

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna
3. THE Inspector General of Police, Darbhanga, Dist-Darbhanga.
4. The Deputy Inspector General of Police, Munger, District-Munger,
5. The Superintendent of Police, Khagaria, District-Khagaria.
6. THE Sub-Divisional Officer, Khagaria Sadar, District-Khagaria.
7. The Officer Incharge of Alauli Police Station, District-Khagaria.
8. Gajendra Kumar Son of not Known, the Investigating Officer, Alauli P.S.
Case No.165/2016, District-Khagaria.
9. Rani Devi, Wife of Late Rajesh Yadav, Resident of Village-P.O. and P.S.-
Alauli, District-khagaria.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Bhim Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Iqbal Asif Niazi, AC to GP 5
For the resp no. 9	:	Mr. Sarbottam Kumar Sarkar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-09-2022 Learned counsel for the petitioner seeks adjournment
on the ground that the file has been misplaced.

This case is of the year 2017 in which the prayer of
the petitioner is to direct the respondent authorities to hand over
the investigation of Alauli P.S. Case No. 165 of 2016 dated
29.06.2016 registered for the offences punishable under
Sections 364, 302, 120(B)/34 of the Indian Penal Code and
Section 27 of the Arms Act to any other investigating agency



like CID/CBI etc.

It is the contention of the petitioner that the informant in this case has only put her L.T.I. over her written application, no date has been mentioned, neither the father-in-law nor her devar as per the FIR were with the informant or have made their signature over the same and this fact prima-facie suggests that in a very planned manner, the petitioner has been implicated in this case with a concocted story.

The petitioner states that he is a respected person of the locality, his wife held the post of Vice-President of Alauli Prakhand and the entire allegations are false and concocted.

A counter affidavit has been filed in this case. In paragraph '15' of the counter affidavit, it is stated that though the petitioner and his wife have filed representations as per their statement made in paragraph '22' of the writ application but no dates have been given on the said representations and the representations appear to be suspicious.

After going through the materials available on the record, this Court finds that the petitioner has not at all provided any foundation of fact, reasons or grounds to direct transfer of investigation of this case to the Central Bureau of Investigation



or any other agency.

Mr. Sarbottam Kumar Sarkar, learned counsel for the informant submits that in this case after completion of investigation, police has submitted a chargesheet and presently the case is pending for framing of charge.

In these circumstances, this Court finds no reason to entertain this application. The petitioner will be at liberty to raise all such issues which are available to him at the time of framing of charge.

This application stands disposed of 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'.

