

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1343 of 2021

Arising Out of PS. Case No.-728 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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RAJNISH KUMAR PATHAK @ RINKU PATHAK Son of Dinesh Pathak
Resident of Ward No. 08 Kesariya, Police Station - Kesariya, District - East
Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Deptt.
Govt. of Bihar, Patna.
2. Director General of Police, Govt. of Bihar, Patna.
3. Inspector General of Police, Muzaffarpur Zone, Muzaffarpur.
4. Deputy Inspector General of Police, Champaran, Range, Bettiah.
5. Superintendent of Police, Motihari, East Champaran.
6. Deputy Superintendent of Police, Sadar Motihari.
7. Station House officer, Town Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Respondent/s : Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-09-2022 Learned counsel for the petitioner shall remove all

the defects as pointed out by the Stamp Reporter within three

weeks from today.

Petitioner, in the present writ application, is praying

for the following reliefs:-

“(i) To direct the Respondent authorities as to make just,
proper and impartial investigation of Town (Motihari)
Police Station Case No. 728 of 2020, instituted for the
offences under Section 302, 120B read with 34 of the
Indian Penal Code and section 27 of the Arms Act, which
is pending for investigation.

(ii) To direct the S.P. Motihari (Respondent No.05) to
comply the directions contained in Memo No. 1081 dated
09.03.2021 of the D.I.G., Champaran Range, Bettiah, in



the matter of investigation of the aforesaid case.

(iii) To direct the S.P. Motihari, (Respondent no. 05) to make investigation in accordance with the Memo No. 1453 dated 09.09.2021, issued by the Crime Investigation Department, Police Headquarter, Bihar.

(iv) To direct the respondent authorities no to take any coercive measures against the petitioner till the investigation of the case is made, in accordance with the directions of the D.I.G. Champaran Range Bettiah, and the advisories of the crime Investigation Department, Police Headquarter, Patna as referred above.

(v) To grant any other relief(s), in the facts and circumstances of this case.”

Learned counsel for the petitioner having understood the scope of the writ application submits that he will not press the prayer made in paragrpah 1(iv) of the writ application.

In the given facts and circumstances, Ms. Babita Kumari, learned AC to SC-1 for the State submits that if the petitioner is aggrieved and dissatisfied with the ongoing investigation, he may represent his case to the Superintendent of Police, Motihari (respondent no. 5) with all such materials on which he wants to rely upon. It is for the investigating agency to take a view thereon.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court is of the considered opinion that the petitioner may submit his representation to the Superintendent of Police (respondent no. 5) within a period of four weeks from today whereupon respondent no. 5 shall consider the same and shall issue further instruction to the other



supervising authority/investigating officer of the case, if so required in the interest of justice. The court below, in whose jurisdiction the case is pending, shall also monitor the investigation in terms of the common order passed by this Court vide order dated 09.09.2022 in **Cr.W.J.C. No. 153/2017 (Surendra Singh Vs. The State of Bihar & Ors.)**

This writ application stands disposed of accordingly.

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

(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'.

