

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1267 of 2022

Arising Out of PS. Case No.-286 Year-2019 Thana- KHUSRUPUR District- Patna

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Alesh Kumar S/O Suresh Singh Resident of village- Nuruddinpur, P.S.-
Khusrupur, District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Secretary Bihar Patna
3. The Director General Of Police, Bihar, Police Patna
4. The Principal Secretary Department Of Home Government Of Bihar, Patna
5. The Regional I.G. Of Police Range, Patna
6. The D.I.G. Of Police, Patna
7. The District Magistrate Patna, District- Patna, Bihar
8. The Senior Superintendent Of Police Patna, District- Patna, Bihar
9. The Rural Superintendent Of Police, Patna, District- Patna, Bihar
10. The Dy. S.P., Fathuha, Patna, District- Patna, Bihar
11. The Officer In Charge, Khusrupur Police Station, District- Patna Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-11-2022 Heard Mr. Dhirendra Kumar, learned counsel for the

petitioner and Mr. Anil Kumar, learned AC to SC-8 for the State.

This writ application has been filed for the following
reliefs:-

“ (I) For commanding the respondents to complete the
investigation of Khusrupur P.S. Case No. 286/19 dated
06.09.2019, Register U/S 147,148, 149, 341, 323, 307,
302/504 of I.P.C and 27 of The Arms Act, in which a
retired Military personnel has been murdered by named



accused, but till date investigation officer has not completed the investigation even after laps of 3 year of occurrence and even charge sheet has not been submitted for further proceeding in the criminal case.

(ii) For direction to respondent to arrest the named accused person who have neither been released on bail nor surrendered before the court of law, and are openly saying that they are above the law and police are in their collusion

(iii) And for other relief/relief's for which the petitioner may be found entitled. ”

Mr. Dharendra Kumar, learned counsel for the petitioner submits that Khusrupur P.S. Case No. 286 of 2019 has been registered on 06.09.2019 for the alleged murder of the brother of the petitioner who was a retired military person. He named two persons as main accused who had allegedly fired on the head of the brother of the petitioner due to which he died. In the FIR altogether 16 persons are named.

Learned counsel submits that the case is pending before the learned 1st Class Judicial Magistrate, Patna City being G.R. No. 4767/2019. It is alleged that the accused persons are regularly giving threat of dire consequences to the petitioner and they are asking him to compromise the case. The grievance of the petitioner is that despite all information being furnished to the Investigating Officer, no action has been taken by the concerned officer. The allegation is that the Investigating



Officer is in collusion with the accused persons.

It is further submitted that one of the accused namely, Sunil Kumar Singh who was also named in Khusrupur P.S. Case No. 286 of 2019 has been killed by someone, in the said case the entire male members including old persons of the family of the persons have been made accused. The said case is Khushrupur P.S. Case No. 165 of 2020 dated 19.05.2020. It is submitted that even as the said case was lodged one year after the case was lodged by this petitioner, the Investigating Officer of the said case has completed the investigation and submitted a chargesheet and trial is going on. His grievance is that the delay in investigation of the present case is a pointer to the fact that the I.O. is sitting idle in this matter and he is helping the accused persons otherwise there was no reason as to why the investigation of a murder case will remain pending for more than 3 years by now.

Learned AC to SC-8, though appears for the State but at this stage he is unable to explain the reasons.

In the given facts and circumstances of the case, instead of keeping writ application pending, this Court deems it just and proper to direct the Senior Superintendent of Police, Patna (respondent no. 8) and Superintendent of Police (Rural),



Patna (respondent no. 9) to immediately supervise Khusrupur P.S. Case No. 286 of 2019, find out the reasons for the delay in conclusion of investigation, the role of the I.O. be closely scrutinized in the light of the allegations which are being made by the petitioner and in case, it is found that the I.O. has not shown interest in investigation of the case for any extraneous reasons, the Senior Superintendent of Police, Patna shall be obliged to take appropriate action in the matter.

In any case, it is expected that the investigation of Khusrupur P.S. Case No. 286 of 2019 must be completed within a reasonable time. It will be the responsibility of respondent nos. 8 and 9 to ensure proper investigation of the case and submission of a police report in the court below within a reasonable time from the date of receipt/communication of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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