

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1338 of 2016

Arising Out of PS. Case No.-526 Year-2016 Thana- BIHTA District- Patna

Uma Shankar Rai @ Sipahi Rai son of Late Jairam Rai @ Siram Rai, resident of Village Suarmarwa, P.S. Maner, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home police Govt. of Bihar, Patna
2. Director General cum Inspector General of Police, Bihar, Patna.
3. Zonal Inspector General of Police, Patna.
4. Senior Superintendent of Police, Patna.
5. Superintendent of Police, Patna.
6. Sub-Divisional Police Officer, Danapur.
7. Officer Incharge of Bihta Police Station, Patna.
8. Investigating Officer of Bihta P.S. Case No. 526/16.

... .. Respondents

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2022 This writ application was filed way back in the year 2016 with a prayer to direct the respondents to properly investigate Bihta P.S. Case No. 526/2016 and submit a police report in the learned court below after proper investigation. With efflux of time the investigation has been completed and charge-sheet as well as supplementary charge-sheets have been filed in the learned court below. The learned Magistrate has taken cognizance and now the case is fixed for supply of police papers.

Learned counsel for the petitioner submits that the



investigation has not been properly done and the investigating agency has shirked its responsibility to do a fair and proper investigation from all angles.

Attention of this court has been drawn towards Annexure '2/b' which is a representation addressed to the Officer-in-Charge, Bihta Police Station. Learned counsel submits that even though charge-sheet has been filed, this court may direct the learned court below to order a further investigation in terms of section 173(8) of the Code of Criminal Procedure.

On the other hand, learned counsel for the State submits that so far as the present writ application is concerned, it has become infructuous. The petitioner has not applied for further investigation in terms of Section 173(8) Cr.P.C. in the learned court below.

Having heard learned counsel for the petitioner and the State, this Court is of the considered opinion that with the efflux of time the remedy applied for in the present application has lost its significance. Police has already submitted a charge-sheet and cognizance has been taken thereof. The remedy of the petitioner lies in taking up the matter before the learned court below in accordance with law, if so advised, for further

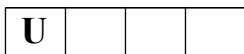


investigation. If any such application is filed on behalf of the petitioner, it is expected that the learned court below shall consider the same in accordance with law.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-



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'.

