

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2665 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- MAHUA District- Vaishali

Vijay Kumar Dablu Son of Late Mishri Prasad Singh, Resident of Village-
Paharpur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Bihar, Patna and Ors
2. The Superintendent of Police, Vaishali of Hajipur.
3. The Superintendent of Police, Vaishali of Hajipur.
4. The S.H.O. Mahua Police Station, Mahua, Vaishali.
5. The Investigation Officer, Mahua Police Station, Mahua, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukund Mohan Jha
For the Respondent/s : Mr.Md. Nasrul Huda Khan Sc 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 16-08-2023

Re:- I.A. No. 01 of 2023.

1. Heard the parties.

2. This interlocutory application has been filed on behalf of the intervener petitioner for adding him as Respondent No. 6 in the present Criminal Writ Jurisdiction Case.

3. For the reasons mentioned in the Interlocutory Application, the same is allowed.

Re:- Cr. W.J.C. No. 2665 of 2018.

Heard the parties.

2. This application has been filed for issuance of writ, order, direction to the respondent to arrest the accused of Mahua



P.S. Case No. 239 of 2017 instituted for the offence under Section 147, 148, 149, 447, 326, 307, 302 and 504 of the Indian Penal Code and under Section 27 of the Arms Act.

3. Following order was passed on 13.07.2023:-

“Heard learned counsel for the petitioner and learned APP for the State.

2. One remaining accused out of three, namely, Sanjay Rai has not been arrested as yet.

3. If Sanjay Rai is not arrested on or before the next date of hearing, the Superintendent of Police, Vaishali at Hajipur shall personally appear before this Court on the next date of hearing.

4. List this case after four weeks for further hearing.

5. Let a copy of this order be communicated to the Superintendent of Police, Vaishali at Hajipur for its compliance through FAX and e-mail forthwith”.

4. Learned Senior Counsel for the petitioner appearing in the Interlocutory Application has submitted that the order dated 25.01.2018 passed in Cr.W.J.C. No. 2338 of 2017 was not produced to the notice of the Court and the order dated 13.07.2023 has been passed by this Court.

5. The order dated 25.01.2018 reads as follows:-

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, in the present case, is seeking a direction to the respondents authority to investigate properly and fairly the Mahua P.S. Case no. 239/2017 instituted for an offence under Section 147, 148, 149, 447, 326, 307, 302 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

*The learned court below where the case is pending has power to monitor and supervise the investigation as has been held by the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. State of U.P.** reported*



*in (2008) 2 SCC 409 which has been followed in the case of **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage** reported in (2016) 6 SCC 277.*

In these circumstances, if the petitioner has any complaint with the ongoing investigation, the same may be brought to the notice of the court for consideration.

Accordingly, this application stands disposed off.

6. It has further been submitted by the learned senior counsel appearing for the petitioner that the petitioner was also appearing in the connected writ.

7. Considering the same, the order dated 13.07.2023 is hereby recalled.

8. Accordingly, this application is dismissed on the ground of suppression of facts.

(Sandeep Kumar, J)

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