

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.449 of 2023

Arising Out of PS. Case No.-490 Year-2021 Thana- NAGAR District- Vaishali

Dr. Thakur Mukesh Singh Chouhan @ Mukesh Kumar Singh Son Of Umesh Prasad Singh R/O Village- Mahindwara, P.S.- Jandaha, District- Vaishali At Hajipur, At Present R/O Parimal Cottage, Dighi Kala, P.S.- Sadar Hajipur, District- Vaishali At Hajipur

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal Secretary, Home Department, Govt. Of Bihar, Patna
2. Principal Secretary, Home Department, Govt. Of Bihar, Patna
3. Director General Of Police, Bihar, Patna
4. Station Head Office, Nagar Police Station, Vaishali At Hajipur
5. Investigating Officer, Nagar Police Station, Vaishali At Hajipur
6. Subodh Kumar Singh S/O Not Known, Police Inspector-Cum-Station Head Officer, Nagar P.S., Hajipur At Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present writ application is being filed for transfer the record of Hajipur (Vaishali) Town P.S. Case No. 490 of 2021 lodged under Sections 406, 468, 469 and 48 of the I.P.C., from the hands of I.O. to any other agency who used to complete the fair and impartial investigation.

Counsel for petitioner submits that to show the malafide of the police, attention of this Hon'ble Court has been

drawn on the complaint which was filed bearing Complaint Case No.2182(C) of 2020 before the C.J.M., Vaishali at Hajipur dated 24.11.2020. It has referred for lodging F.I.R. under Section 156(3) of the Cr.P.C. but this F.I.R. was lodged only after lapse of six months bearing Hajpur Town P.S. Case No. 490 of 2021 dated 26.06.2021 under Sections 406, 468, 469 and 48 of the I.P.C.. In this background, counsel for petitioner submits that the petitioner requires indulgence of this Court so that the fair treatment of his case ought to be made. Counsel for petitioner submits that Superintendent of Police is the high official, petitioner may be directed to file his representation in the light of **Surendra Singh Vs. State of Bihar and Ors** vide order dated 09.09.2022 passed in **Cr.WJC No. 153 of 2017** with analogous cases.

This Court is of the view that in the case of Surendra Singh Vs. State of Bihar, direction has not given to the Superintendent of Police as well as to the concerned Chief Judicial Magistrate that he has power to look into the investigation and if found, pass an order under Section 173(8) of Cr.P.C. in this matter.

Liberty is hereby granted to the petitioner that he shall move before the Superintendent of Police, within four weeks from the date of passing of this order and if he aggrieved, liberty

is also granted to him to move before the concerned Chief
Judicial Magistrate in the light of observation made in the
Surendra Singh case.

With this direction, this Cr. Writ Application is hereby
disposed of.

(Dr. Anshuman, J.)

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