

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.837 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- RAMNAGAR District- West Champaran

Sayista Khan Son of Kamaluddin Khan Resident of village-Dainmarwa, Ward
No.-11, P.S.-Ramnagar, District-West Champaran

... .. Petitioner

Versus

1. The State of Bihar, through the Home Secretary
2. The Additional Home Secretary, Home Department, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Muzaffarpur
5. The Deputy Inspector General of Police, Bettiah, West Champaran
6. The Superintendent of Police, Bagaha, West Champaran
7. The S.D.P.O., Ram Nagar, West Champaran
8. The S.H.O., Ram Nagar Police Station, West Champaran
9. Tanvir Khan @ Laddu Khan Son of Manir Khan Resident of village-Dainmarwa, P.S.-Ramnagar, District-West Champaran
10. Gulab Waris Khan @ Bhutan Khan, Son of Manir Khan Resident of village-Dainmarwa, P.S.-Ramnagar, District-West Champaran
11. Zulfkar Kha, Son of Hemamun Khan, Resident of village-Dainmarwa, P.S.-Ramnagar, District-West Champaran
12. Asagar Kha, Son of Sadare Alam Khan Resident of village-Dainmarwa, P.S.-Ramnagar, District-West Champaran

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Respondent/s : Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking the
following reliefs:-

“i) For issuance of writ in the nature of
Mandamus or any appropriate writ/writs
commanding the respondents concerned to
conclude the investigation of Ram Nagar P.S.



196 of 2022 lodged on 07.05.2022 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code against five named accused persons and other unknown persons.

ii) For issuance of writ in the nature of Mandamus or any appropriate writ/writs commanding the respondents concerned to record the statement of all the prosecution witnesses under section 161 and under section 164 Cr.P.C. and arrest the named accused persons, who are now threatening the petitioner (informant) and his family members.

iii) For any other relief or reliefs to which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. It appears that during pendency of the writ application, the investigation of the case has progressed. One accused, namely, Sadre Alam was arrested and has been remanded to judicial custody. He has also been chargesheeted under Sections 302, 201/34 of the Indian Penal Code vide Chargesheet No. 305 of 2022. The Investigating Agency was looking for the remaining unidentified accused and in course of further investigation, it has been noticed that the petitioner had implicated Tanvir Khan and his younger brother, namely Gulab Waris as accused because of a land dispute.

4. The counter affidavit reveals that at the time of alleged occurrence, Tanvir Khan was in the market in connection with purchase of articles for the marriage of his sister-in-law whereas his younger brother was at his house.

5. The investigation has further revealed that against



accused Zulfagar Khan and Asgar Khan, there is no cogent material, therefore, they have been kept under Inquiry.

6. Learned counsel for the petitioner submits that during investigation, the I.O. of the case has given a different turn to the investigation. Now, he has obtained a warrant of arrest against the informant and five others of the informant's side.

7. Learned counsel for the State submits that under what circumstances, the I.O. has obtained warrant of arrest against the informant and five others of the informant's side are not known to him, at this stage, however, these are the matters of investigation and from the counter affidavit at least this much is clear that the investigation of the case has progressed well during all these period and efforts have been made to identify the accused persons.

8. It is further submitted that in case the petitioner has any grievance with respect to the action of the I.O., the same may be brought to the notice of the Superintendent of Police, Bagha, West Champaran (respondent no. 6) who may examine the grievance of the petitioner and issue appropriate instructions.

9. Having regard to the facts and circumstances of the case and the pleadings available on the record, this Court is of the considered opinion that the progress of Ram Nagar P.S. Case No.



196 of 2022 has advanced and in course of investigation, police has reached to certain conclusions and accordingly, steps have been taken, therefore, at this stage, the only direction which may be given to the Investigating Agency is to ensure proper and fair investigation of the case and submission of a police report within a reasonable time.

10. The petitioner is at liberty to approach the Superintendent of Police, Bagha, West Champaran (respondent no. 6) seeking proper and fair investigation of the case and in case, he has any grievance with respect to the ongoing investigation or the manner of investigation, the same be brought to the notice of respondent no. 6 who will look into the same, shall supervise the case himself and issue appropriate instructions. In any case, respondent no. 6 shall ensure proper and fair investigation of the case and submission of a police report within a reasonable time.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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