

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.875 of 2023

Arising Out of PS. Case No.-758 Year-2021 Thana- BIHTA District- Patna

VIVEK KUMAR S/o Late Laxman Yadav Resident of village-Kujawan, P.S.-
Bihta, District-Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna
2. The Director, General of Police, Bihar, Patna
3. The Deputy Inspector General of Police, Patna
4. The Senior Superintendent of Police, Patna
5. The Sub-Divisional Police Officer, Danapur, Patna
6. The S.H.O., Bihta Police Station, Bihta, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Bindeshwar Sah, Advocate
For the Respondent/s : Mr. Md. Iqbal Asif Niazi, AC to GP-5

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. Petitioner in this case is aggrieved by and
dissatisfied with the slow pace of investigation of Bihta P.S.
Case No. 758 of 2021 registered under Sections 448, 341, 323,
504, 506, 379 and 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. Learned counsel for the petitioner submits that after
much persuasion and only upon a direction issued by the learned
Magistrate under Section 156(3) Cr.P.C., the police registered a
First Information Report vide Annexure '1' to the writ



application but after lodging of the FIR, no progress has been made in course of investigation. The Investigating Officer is sitting over the matter and the accused persons are moving freely and threatening the petitioner for compromise. Petitioner has also filed a protest petition before the learned Magistrate stating therein that police is not investigating the case properly. He has also submitted a representation to the Senior Superintendent of Police, Patna on 19.04.2022, a copy of which has been enclosed as Annexure '3' to the writ application.

4. Learned counsel further submits that petitioner has filed an application before the learned Additional Chief Judicial Magistrate-I Danapur with a prayer to call for the progress report from the Bihta P.S. but no order has been passed till date.

5. Learned counsel for the State is present, however, he has no instruction in the matter.

6. Having heard learned counsel for the petitioner and learned counsel for the State, in the nature of the grievance raised by the petitioner, instead of keeping this writ application pending with this Court, this Court deems it just and proper to direct the Senior Superintendent of Police, Patna to look into the grievance of the petitioner as contained in Annexure '3' to the writ application, supervise the case in question either himself or



direct a competent supervising authority to examine the case of the petitioner and issue appropriate instruction to the I.O. If the I.O. of the case is not working properly, he should be changed forthwith. In any case, the supervising authority shall ensure that a proper and fair investigation takes place and a police report is submitted within a reasonable period.

7. At the same time, this Court would also direct the learned Additional Chief Judicial Magistrate-I, Danapur to take up the petition dated 30.04.2022 as contained in Annexure '4' to the writ application and pass an appropriate order thereon. The learned Magistrate is reminded of the provision under Section 156(3) Cr.P.C. which empowers him to monitor the investigation of the case. Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in the case of **Sakiri Vasu Vs. the State of U.P. and Others** reported in **(2008) 2 SCC 409**. It is expected that the learned Magistrate shall take up this kind of application with some urgency.

8. This writ application stands disposed of with aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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