

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.943 of 2023

Arising Out of PS. Case No.-389 Year-2021 Thana- PATLIPUTRA District- Patna

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Bishvnath Infrastructure Pvt. Ltd. through its Director Ajay Kumar Mishra son of Sidheshwar nath Mishra Village- Munirka, New Delhi-110067, at present- Indrath Kala, Ps- Bikramganj Dist- Rohtas-802212

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road Bihar
2. The Director General Of Police, Bihar, Sardar Patel Bhawan, Bailey Road Bihar
3. The Inspector General Of Police, Gandhi Maidan, Patna Bihar
4. The Senior Superintendent Of Police, Patna Bihar
5. The Deputy Superintendent Of Police, Kotwali, Patna Bihar
6. The Station House Officer, Patliputra Police Station, Patna. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-12-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner in the present writ application is a private limited company who is seeking a writ in the nature of mandamus commanding the respondent authorities to conduct a fair investigation of Patliputra P.S. Case No.389 of 2021 dated 04.08.2021 registered for the offences under Sections 406, 420, 341, 323, 379 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the investigating officer of the case is not taking any step and he is

not arresting the accused persons. It is submitted that more than two years have gone but the accused persons are at large.

4. A counter affidavit has been filed on behalf of the respondent no.4 which has been sworn by the Deputy Superintendent of Police (Law & Order), Patna. It is stated therein that the City Superintendent of Police has marked this matter as a special case and directed that it will be supervised by the Dy.S.P. (Law & Order), Patna.

5. It is further stated that the Dy.S.P. (Law & Order), Patna has supervised the case and gave various instructions to the investigating officer including bringing of the evidences on record under Section 65B of the Indian Evidence Act, enquiring about the criminal antecedents of the accused and other matters. The case was supervised by Superintendent of Police and it has been found true against Managing Director of Vijeta Project and Infrastructure Ltd. namely, Kaushal Singh who is the project coordinator of Vijeta Project and Infrastructure Ltd. and Shravan Yadav who is the project manager of Vijeta Project and Infrastructure Ltd. and also against 4-5 other unknown persons.

6. It is stated that the police is in search of the accused Kaushal Singh and earlier notices under Section 91 Cr.P.C. was issued to Kaushal Singh and Shravan Yadav but they have not

appeared before the police. This Court has also been informed that the I.O. has been given permission to visit Noida where Kaushal Singh is said to have visited his brother-in-law office as per mobile location. The criminal antecedent of the accused persons are being verified and it has been found that Kaushal Singh is accused in Budha Colony P.S. Case No.148 of 2021 and another accused Pancham Singh has been found accused in Sikandara P.S. Case No.197 of 2020.

7. Having regard to the facts and circumstances of the case, considering that the I.O. has already been given permission to visit the place where one of the accused is said to have visited and the case is being supervised by Dy.S.P. (Law & Order), Patna, this Court directs the Dy.S.P. (Law & Order), Patna to review the progress made in course of investigation of the case and the steps taken by the I.O. to comply with the directions issued by him. If the I.O. is not taking interest in course of investigation and is not abiding by the instructions of the supervising authority, it would be incumbent upon the Dy.S.P./City Superintendent of Police, as the case may be, to hand over the investigation of the case to another competent police officer. In any case, the supervising authority shall ensure that all necessary steps be taken to complete the investigation

and file a police report in accordance with law in the court of
learned jurisdictional Magistrate within a reasonable time.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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