

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1104 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Ravi Yadav @ Ravi Kumar S/O Niraj Yadav R/O Dandibagh Bypass, P.S.-vishnupad, District-Gaya
2. Rajesh Kumar @ Bhola Chaudhary S/O Late Lala Chaudhary @ Nandlal Chaudhary R/O Salempur Tola, Bahora Bigha, P.S.-mufassil, District-Gaya

... .. Petitioners

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home, Govt. Of Bihar Patna
2. The Central Bureau Of Investigation Through Its Director New Delhi
3. The Director General Of Police, Bihar Patna
4. The Inspector General Of Police, Magadh Range Gaya
5. The Senior Superintendent Of Police Gaya
6. The Sub Divisional Police Officer, Wazirganj Gaya
7. The Officer-In- Charge Of Mufassil Police Station Gaya
8. Jyoti Devi W/O Late Sunil Kumar Singh R/O Village-Salempur, Bahora Bigha, P.S.-mufassil, District-Gaya

... .. Informants

Appearance :

For the Petitioner/s	:	Mr. Avinash Kumar Singh, Advocate
For the Informant	:	Mr. Rajesh Kumar Sharma, Advocate
For the State	:	Mr. Deepak Kumar, AC to GP 4
For the CBI	:	Mr. Avanish Kumar Singh, S.P.P. CBI

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

2. Petitioners in the present case are seeking the following reliefs:-

(i) For issuance of an appropriate writ/s, order/s, direction/s to transfer the investigation of Muffasil P.S. Case No.



178 of 2023 to Central Bureau of Investigation or in that case to any independent investigation agency.

(ii) For issuance of an appropriate writ/s, order/s, direction/s for a direction to the respondent authorities to properly and fairly investigate Mufassil P.S. Case No. 178 of 2023.

(iii) For direction to stay further proceedings of Mufassil P.S. Case No. 178 of 2023 pending before learned Court of Sri Anup Kumar Mishra, J.M., 1st Class, Gaya till final disposal of the present writ petition.

(iv) To any other relief/s to which the petitioners may be found entitled to.

3. Learned counsel for the petitioners submits that these petitioners are the accused in the FIR, giving rise to Muffasil P.S. Case No. 178 of 2023 registered under Sections 302, 120B and 34 of the Indian Penal Code.

4. It is submitted that the petitioners have been falsely implicated in this case and the petitioners do not trust the kind of investigation which is taking place.

5. A prayer has been made to transfer the investigation to the Central Bureau of Investigation and in alternative it is prayed that a direction be issued to the respondent authorities to



properly and fairly investigate the case.

6. Learned counsel for the State submits that the case has been properly investigated so far. A charge-sheet has been filed against three accused. So far as the allegations against these petitioners are concerned, the same have been found true and there are sufficient materials for submission of charge-sheet against them. Learned counsel for the State as well as informant submits that these two petitioners have not surrendered till date despite issuance of process against them under Sections 82 and 83 Cr.P.C. The prayer for anticipatory bail of the petitioners have already been rejected upto this Court about one and a half months back.

7. Having regard to the facts and circumstances of the case and the materials on the record, this Court is of the considered opinion that the petitioners are unable to demonstrate exceptional circumstances seeking transfer of investigation to Central Bureau of Investigation. Such transfers cannot be allowed in a routine and mechanical manner. This Court is therefore not persuaded to grant the first relief prayed in the writ application.

8. As regards proper and fair investigation of the case, this Court finds that the investigation has already taken place



and the case has been found true against the petitioners. The petitioners are now required to surrender and cooperate with the investigation. If the petitioners surrender at the earliest and request the Senior Superintendent of Police, Gaya (Respondent No. 5) to examine and investigate on any particular point, the Senior Superintendent of Police, Gaya shall in his own wisdom take a view on that if it is required to ensure proper investigation of the matter. This Court is not going into the merits of the submissions of the petitioners nor is forming any opinion on ongoing investigation.

9. This writ application is disposed of with aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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