

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.920 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- KHAGAUL District- Patna

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Rohit Kumar Tripathi Son of Shri Vimal Kumar Tripathi Resident of Village -
Q No.5/15, I.G.I.M.S. Campus, Sheikhpura, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Ditector General of Police, Bihar, Patna.
2. The Commissioner Cum Secretary, Deptt. of Home, Bihar, Patna.
3. The Inspector General of Police, Central Range, Bihar.
4. The Superintendent of Police, Patna West, Patna.
5. The Assistant Superintendent of Police, Danapur, Patna.
6. The Station House Officer, Khagaul Police Station, Patna.
7. Tarun Kumar , Sub-Inspector , Khagaul Police Station, Patna.
8. Om Prakash Tiwari Son of Ashwini Tiwari Resident of Village - 27-B New Chanakyapuri, Sai Marg Rajabazar, Pillar Number -58 Bailey Road, Patna, Bihar - 800014.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, Adv.
For the Informant/s	:	Mr. Priyajeet Pandey, Adv.
		Mr. Abhinav Alok, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 27-04-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

The present criminal writ application has been filed
for holding a fair and proper investigation to collect, secure and
examined forensically the crucial electronic pieces of evidence
with regard to Khagaul P.S. Case No. 109 of 2022 dated
21.04.2022 lodged under Sections 304(B) and 34 of the I.P.C.

Counsel for the petitioner submits that petitioner is accused in the said case. Counsel fairly submits that petitioner is *Devar* of deceased. Her husband is already in custody. Counsel submits that petitioner is innocent and after fair investigation, his innocence shall come out. Therefore, he has repeatedly filed representation before the various police authorities but all in vain.

Counsel for the State submits that the matter is under investigation and presently final report under Section 173(2) of Cr.P.C. has not come.

Counsel for the private respondent (R-8) appeared and submits that there is a case and counter case with a view to defend their skin, the petitioner's side has also filed a Khagaul P.S. Case No. 152 of 2022 against the private respondent and their families and he also submits that the fair investigation is extremely necessary in this case.

After going through the petition and seeing the documents, it transpires to this Court that both parties, the petitioner as well as the private respondent seeks permission from this Court that fair investigation is necessary in this case.

This Court is also of the opinion that not only in this case rather in each and every criminal writ case, a fair

investigation is necessary.

In this background, this Hon’ble Court has passed an order in the light of ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** and analogous cases decided on 09.09.2022 and petitioner is granted liberty that he shall file his representation raising all his possible points for fair investigation before the Superintendent of Police, Patna West, Patna in the light of the order passed in ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** with analogous cases decided on 09.09.2022 within four weeks’ from today and the Superintendent of Police, Patna West, Patna after considering the representation shall take a decision and do all the needful for completing the fair investigation and direct as well as supervise the investigation done by the I.O. within the time specified in the said order.

In this view of the matter, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	