

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1399 of 2021

Arising Out of PS. Case No.-257 Year-2016 Thana- HISUWA District- Nawada

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GUDDU KUMAR@SATISH KUMAR SON OF ARJUN RAM RESIDENT
OF VILLAGE- SONSA, POST OFFICE- SIHIN, P.S.- HISUA, DISTT.-
NAWADA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, THROUGH THE CHIEF SECRETARY BIHAR
2. THE DIRECTOR GENERAL OF POLICE, GOVT. OF BIHAR BIHAR
3. THE SUPERINTENDENT OF POLICE, NAWADA BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Gopal Sharan, Advocate.
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8 Mr. Anil Kumar, AC to SC-8
For the informant	:	Ms. Soni Shrivastava, Advocate. Ms. Kalyan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 21-09-2023 Heard learned counsel for the parties concerned.

2. The petitioner who is facing trial arising out of Hisua P.S. Case No. 257 of 2016 has filed the present writ application for a direction to the Superintendent of Police, Nalanda, to arrest the main suspect in the case namely, Manish Kumar in the FIR bearing Hisua P.S. Case No. 257 of 2016 dated 5.12.2016 registered under Section 302 of the Indian Penal Code and Section 27 of the Arms Act. He has further prayed to stay the proceedings of the trial against the petitioner who is sole accused in this case in trial No. 78 of 2020. The informant in the First Information Report has alleged that on



1.12.2016 the *Baarat* of younger brother of the informant namely Deepak Kumar came to Sonsa, Nawada, for marriage with the girl namely Prerna who is daughter of Dr. Surendra Prasad. During course of marriage celebration one bullet hit the stomach of the brother of the informant namely Santosh Kumar (deceased). In the First Information Report it was the petitioner who fired upon brother of the informant.

3. Learned counsel for the petitioner submits that the investigation was not done properly and despite the specific direction of the DIG Magadh Range, no care was taken for properly investigating the matter and charge sheet has been submitted against the petitioner only whereas the main accused involved in this case is one Manish Kumar.

4. On the other hand, learned counsel for the State submits that after investigation, charge sheet has been submitted against the petitioner and further investigation was also conducted and supplementary charge sheet has also been submitted sending the petitioner for trial.

5. Learned counsel for the informant submits that prayer of the petitioner to re-investigate the matter cannot be entertained in view of the fact that the trial has proceeded substantially and prosecution witnesses have already been



examined and the case is fixed for defence witnesses, but due to delaying tactics of the defence, the trial is still pending.

6. Taking into consideration the material facts involved in this case and the fact that trial has progressed substantially, no direction can be issued for further investigation and arrest of Manish Kumar as prayed for by the petitioner in the writ application contending that he is the main culprit.

7. Accordingly, this writ application stands dismissed.

(Anil Kumar Sinha, J)

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