

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.417 of 2024

Arising Out of PS. Case No.-12 Year-2022 Thana- MAHARAJGANJ District-Siwan

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KUMAR RAJ KAPOOR Son of Late Raghuveer Singh Resident of Village-Bangara, Police Station-Maharajganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Home Secretary, Govt. of Bihar, Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The Superintendent of Police, Siwan. Siwan
4. The S.D.P.O. Maharajganj, Siwan. Siwan
5. The Station House Officer, Maharajganj. Maharajganj.
6. RAMAN KUMAR @ PRINCE Son of Sri Shivnath Singh Resident of Village-Bangara, P.S.-Maharajganj, District-Siwan.
7. SHIVNATH SINGH Son of Late Nageshwar Singh Resident of Village-Bangara, P.S.-Maharajganj, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arghesh Kumar, Adv.
For the Respondent/s: Mr. Sc.24

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner as well as

learned counsel for the respondent-State.

2.This petition has been preferred by the petitioner directing the respondents to conduct fair and proper investigation and further directed them to file chargesheet before the concerned Court in connection with Maharajganj P.S. Case No. 12 of 2022.

3. It is submitted by the learned counsel for the



petitioner that on the basis of a complaint made by the petitioner, an F.I.R. bearing Maharajganj P.S. Case No. 12 of 2022 for the offences under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code has been registered against respondent No.7 i.e Shivnath Singh but till date chargesheet has not been filed.

4. Learned counsel for the State referring to paragraph Nos. 6 and 8 of the counter affidavit submits that investigation has already been completed and it is found that the contents of the F.I.R. were found to be true against the main accused person ie. Shivnath Singh for the offence under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code. However, involvement of other accused person i.e. Raman Singh was not found for the aforesaid alleged offences. He further submits that the chargesheet will be filed immediately after obtaining approval from the Superintendent of Police, Siwan.

5. Annexure-A annexed to the counter affidavit shows that a communication for approval of submission of chargesheet has been sent by the concerned S.H.O to the Superintendent of Police, Siwan on 18.03.2024 but till date no approval has been given by the concerned



Superintendent of Police.

6. Since the investigation has already been completed and the matter is pending before the Superintendent of Police, Siwan for approval, it would be appropriate to dispose of the petition directing the respondent No.3, i.e. Superintendent of Police, Siwan to take a decision on the matter as early as possible preferably within a period of two weeks from today and the concerned S.H.O. is directed to file the chargesheet before the competent court having jurisdiction within two weeks thereafter.

7. With the aforesaid observation and direction, this petition is disposed of accordingly.

(Arvind Singh Chandel , J)

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