

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1109 of 2023

Arising Out of PS. Case No.-97 Year-2017 Thana- BRAHMPURA District- Muzaffarpur

Dilip Kumar Sah, Son of Jamuna Sah @ Yamuna Sah, R/o Mohalla -
Sariyagaj, Dhobiya Gali, P.S. - Town, Distt. - Muzaffarpur, at present r/o
Mohalla Brij Bihari Gali, Sumitra Vivah Bhawan, P.S. - Brahmpura, Distt. -
Muzaffarpur. Petitioner

Versus

1. The State of Bihar through Home Secretary, Department of Home Government of Bihar, Old Secretariat, Patna.
2. The Director General of Police, Sardar Patel Bhawan Bailey Road, Patna.
3. The Additional Director General of Police, Government of Bihar, Sardar Patel Bhawan Bailey Road, Patna.
4. The Inspector General of Police, Tirhut Range, Muzaffarpur.
5. The Senior Superintendent of Police Muzaffarpur.
6. The Superintendent of Police, Muzaffarpur.
7. The Central Bureau of Investigation through its Director, 6th Floor, Lodhi Road, Jawaharlal Nehru Stadium Marg, CGO Complex, New Delhi, 110003.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-01-2024 In the given facts and circumstances of the case, this Court directs the Senior Superintendent of Police, Muzaffarpur to give a hearing to the petitioner on a date and time fixed by him within two weeks from today and thereafter shall review the progress made in course of investigation so far. If he finds that the investigation of the case has not proceeded for all these years in right direction and the I.O. of the case is not taking interest, the I.O. shall be changed and a competent I.O. shall be appointed who will complete the investigation and submit a report in the court of learned Jurisdictional Magistrate within a reasonable period.



2. The father of the petitioner is said to have been abducted about 7 years back and the brother-in-law of the petitioner has been made accused in this case, therefore, the case has to be investigated properly from all points. This Court is not forming any opinion on this issue.

3. Before this Court parts with the brief, it is required to be mentioned that the I.O. of the case was called upon by learned Chief Judicial Magistrate, Muzaffarpur to submit progress report but he did not take care of the said order whereafter a warrant was also issued against him, still the warrant was not executed. If the warrant has not been cancelled by the learned court below, the Senior Superintendent of Police, Muzaffarpur shall take appropriate steps to execute warrant or give an opportunity to the concerned I.O. to apply for cancellation of warrant but in no case an order issued by the court shall be rendered redundant by inaction on the part of the police.

4. This writ application is being disposed of with liberty to the petitioner that in case the investigation does not progress and the order of this Court as passed is not complied with, he will have the liberty to move this Court afresh.

(Rajeev Ranjan Prasad, J)

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