

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1074 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- DHANGAI District- Gaya

Sarita Devi Wife of Nandlal Yadav @ Bugal Yadav Resident of village-
Rebda, P.S.-Dhangai, District-Gaya

... .. Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna
2. The Inspector General of Police, Magadh Range, Gaya
3. The Deputy Inspector General of Police, Magadh Division, Gaya
4. The Senior Superintendent of Police, Gaya
5. The Sub-Divisional Police Officer, Sherghati, District-Gaya
6. The S.H.O. of Dhangai Police Station, District-Gaya

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Md Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking a
direction to the respondent authorities to conduct proper and fair
investigation of Dhangai P.S. Case No. 83 of 2022 registered on
28.11.2022 for the offences under Sections 302, 201 and 34 of
the Indian Penal Code.

3. A counter affidavit has been filed on behalf of the
State in which it is stated that after investigation, supervision and
review-cum-report-2, the case has been found true against FIR
named accused Hardeo Yadav, Rajendra Yadav, Rana Pratap @

Bhagtoo Yadav whereas the decision as to accusation against Gaya Kumar, Guddu Kumar and Pappu Yadav is to be taken after inquiry of their alibi.

4. Learned counsel for the petitioner submits that out of the three accused against whom the case has been found true, one Rana Pratap @ Bhagtoo Yadav is still absconding and the Investigating Officer of the case has not arrested him. Learned counsel has expressed surprise that instead of arresting the accused against whom the accusation has been found true, the Investigating Officer is wasting time in the name of seeking warrant of arrest from the learned Magistrate. Learned counsel submits that the plea that step is being taken to obtain warrant arrest against the said accused is only to explain the inaction on the part of the Investigating Officer.

5. It is further submitted that this case was lodged as back as on 28.11.2022 and even after more than one year if the plea of alibi has not been examined and no decision has been taken as regards the accusation against the three other accused, it shows the indifferent approach of the investigating agency.

6. Learned counsel for the State has drawn the attention of this Court towards the statements made in the counter affidavit. It is submitted that the Police has conducted raid for arresting the accused persons including Rana Pratap @

Bhagtoo Yadav, however, learned counsel for the State is unable to explain as to why a warrant of arrest would be required for arresting the accused against whom allegation has been found true.

7. Having regard to the facts and circumstances of the case and the pleading available on the record, this Court is of the considered opinion that Senior Superintendent of Police, Gaya must review the progress made in course of investigation of the case and the efforts taken by the Investigating Officer to nab the absconding accused as also to conclude the investigation on the point of alibi against the three accused persons.

8. Let an appropriate decision be taken on the plea of alibi against the three accused persons within a period of four months from the date of receipt/communication of a copy of this order and it will be the responsibility of the Senior Superintendent of Police, Gaya to ensure completion of investigation on this point by the I.O. In the meantime, efforts will also be taken to arrest the absconding accused.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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