

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1510 of 2023

Arising Out of PS. Case No.-136 Year-2017 Thana- MADHAURAH District- Saran

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1. Chandan Kumar @ Abhishek Kumar Singh, Son of Rambabu Singh, Resident of village - Salimapur, P.S.- Madhaura, District - Saran at Chapra.
 2. Sanjay Kumar Singh @ Tunna Thakur, Son of Shivji Thakur @ Shivji Singh, Resident of village- Nethuan, P.S.- Madhaura, District- Saran at Chapra.

... .. Petitioners

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Muzaffarpur.
3. The Deputy Inspector General of Police, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Sub-Divisional Police Officer, Madhaura, District - Saran at Chapra.
6. The SHO Madhaura Police Station, Madhaura, District - Saran.
7. The I.O. (Investigating Officer) of Madhaura Police Station Case No. 136/2017.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Udai Shankar Singh, Advocate
For the Respondents	:	Mr. Deepak Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-01-2024 Heard learned counsel for the petitioners and Mr. Deepak Kumar, learned AC to GP-4 for the State.

2. The petitioners in the present case are seeking a direction to the respondents to conduct proper and fair investigation of Madhaura (Gaura O.P.) P.S. Case No. 136 of 2017 registered on 09.04.2017 under Sections 302, 307, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The writ application nowhere contains any specific statement that the investigation is still pending. In course of argument, however, learned counsel for the petitioners submits

that the investigation of the case has yet not been concluded and the Investigating Officer of the case does not want to collect the evidences which would prove the innocence of the petitioners.

4. Learned counsel for the State submits that there being no specific statement saying that the investigation is still pending, it is difficult to conclude that the Investigating Officer of the case is not interested in collecting the evidences.

5. Having heard learned counsel for the petitioners and the State, in the given facts and circumstances of the case where there is no specific statement in the writ application regarding conclusion of investigation or pendency thereof, this Court grants liberty to the petitioners to approach the Superintendent of Police, Saran at Chapra and request him to issue appropriate instruction to the Investigation Officer/Supervising Authority to conclude the investigation on all points after collecting the materials.

6. If the petitioners approach the Superintendent of Police with such request, the same will be considered by the Superintendent of Police in the interest of justice and appropriate instruction shall be issued.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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