

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1037 of 2022

Arising Out of PS. Case No.-337 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Shahabuddin Ansari, Son of Late Md. Shahid Ansari, Resident of village-
Fakruddinpur, P.S.- G.B. Nagar, Dist.- Siwan

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The D.I.G. Saran
3. The Superintendent of Police, Siwan
4. The Sub-Divisional Police Officer, Sadar Siwan
5. The S.H.O., G.B. Nagar Police Station, Siwan
6. The Investigating Officer of G.B. Nagar P.S. Case No.- 337/20 dated
20.12.2020

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Randhir Kumar, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-02-2024 Heard learned counsel for the petitioner and Mr. Sheo
Shankar Prasad, learned SC-8 for the State.

2. The petitioner in the present case is the informant
of G.B. Nagar P.S. Case No. 337 of 2020 registered under
Sections 341, 147, 323, 307, 504 and 302 of the Indian Penal
Code. The case is presently pending in the court of learned
A.C.J.M.-III, 1st Class, Siwan.

3. It appears from the submissions made on behalf of
the parties that the case is still under investigation and there is a
non-bailable warrant of arrest against one of the accused,
namely, Serajuddin Ansari.

4. Learned counsel for the petitioner submits that despite there being a non-bailable warrant of arrest against the said accused, the Investigating Agency is not taking any step to execute the warrant. At the same time, it is submitted that the case has been kept pending under investigation for about three years, therefore, this Court may direct the Investigating Agency to complete the investigation and submit an appropriate report in the court of learned Jurisdictional Magistrate within a reasonable time.

5. Mr. Sheo Shankar Prasad, learned SC-8 for the State has drawn the attention of this Court towards the materials collected by the Investigating Agency which have been taken note of in the supervision note of the Dy.S.P./S.P. Direction has been issued to the Investigating Officer to arrest the accused Serajuddin Ansari and, in case, he is found absconding then action towards attachment of his properties be taken.

6. Having heard learned counsel for the petitioner and learned SC-8 for the State, this Court directs the Superintendent of Police, Siwan to execute the NBW/process under Section 82 Cr.P.C. unless those are canceled by a competent court of law and this action must be taken within a period of two weeks from the date of receipt/production of a copy of this order. Since the

investigation of this case has already remained pending for more than three years, the Superintendent of Police, Siwan shall ensure that the investigation is completed and an appropriate report in terms of Section 173 Cr.P.C. be filed in the court of learned Jurisdictional Magistrate within a period of three months from the date of receipt/communication of a copy of this order.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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