

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2011 of 2024

Arising Out of PS. Case No.-148 Year-2019 Thana- KAUWAKOL District- Nawada

Dinesha Yadav @ Dinesh Yadav S/o Kesho Yadav R/o Near SBI Bank
Shikandra, P.O. and P.S.- Shikandra, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar Through D.M. Nawada Bihar
2. The S.P. Nawada Bihar
3. The Investigating Officer Kauwakol Police Station Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha, Advocate
For the Respondent/s	:	Mrs. Archana Meenakshee, GP 6
		Mr. Prabhat Ranjan, AC to GP 06
		Mr. Harish Singh, AC to GP 06
		Mr. Rana Veer Prawar, AC to GP 06
		Mr. Rohit Singh, AC to GP 06

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 3 15-02-2025 The brother of the petitioner was kidnapped. The petitioner filed an FIR in the jurisdictional police station stating, *inter alia*, that his brother was kidnapped by some unknown persons and he may be recovered and the culprits may be nabbed. It is contended by the petitioner that without proper investigation, police submitted a charge-sheet against some co-villagers, and they are now facing trials. The petitioner filed an affidavit in the trial court, stating, *inter alia*, that the persons who have been made accused in the charge-sheet were not involved in committing the offence. The said affidavit is on the record of the trial court. The police authority submitted a



charge-sheet with permission to continue with the investigation of the case further. Under such circumstances, the petitioner has prayed for directing the police authority/investigating officer to investigate into the case properly, nab the real culprits, and recover his brother.

3. The learned Advocate for the petitioner refers to a decision of the Co-ordinate Bench in the case of ***Surendra Singh v. State of Bihar***, reported in ***2022 SCC OnLine Pat 2340*** that a similar direction may be given to the police authority for proper investigation of the case.

4. I have considered the submissions made by the learned counsels for the parties. It is a fact that the brother of the petitioner has not been recovered as yet. The FIR states the kidnapping of the brother of the petitioner by some unknown persons. The identity of the unknown persons has not been ascertained. It is needless to say that in the all-India scenario, the position of the State of Bihar is at number one, in the case of kidnapping and human trafficking. The regular rise of such cases erodes the public faith in police administration in the matter of conducting a proper and fair investigation. The credibility of the investigating agency is at stake. The function of the anti-human trafficking unit of the police department is



also questionable. This Court does not find any fruit of the establishment of any anti-human trafficking unit in the State of Bihar, and till date not a single victim has been recovered.

5. In view of such circumstances, the Director General of Police, Bihar, is instructed to transfer further investigation of this case to the anti-human trafficking unit of the State of Bihar with a direction for proper and further investigation so that the victim may be recovered and the real culprits may be booked for facing trial. With such direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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