

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.727 of 2022

Arising Out of PS. Case No.-20 Year-2002 Thana- NIMCHAKBATHANI District- Gaya

Sidhu Kumar S/o Ajay Kumar Resident of Village- Mahuabag, Kosiawan,
P.S.- Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna Bihar
2. The Director General of Police, Sardar Patel Bhawan, Bailey Road, Patna Bihar
3. The Inspector General of Police, Magadh Zone, Gaya. Bihar
4. The Deputy Inspector General of Police, Magadh Range, Gaya. Bihar
5. The Additional Director General of Police (CID), Sardar Patel Bhawan, Bailey Road, Patna. Bihar
6. The Senior Superintendent of Police, Gaya Bihar
7. The Investigating Officer, Neemchak Bathani Police Station, Gaya Bihar
8. The Station House Officer, Neemchak Bathani Police Station, Gaya. Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Mr. Jagannath Singh, Advocate
For the Respondent/s	:	Md. Harun Quareshi, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-01-2026

Heard the learned counsels for the respective parties.

2. The instant writ petition has been filed by the petitioner for issuance of a writ in the nature of mandamus or any other appropriate relief/direction to respondents authority to conduct further investigation of Neemchak Bathani P.S. Case No. 20 of 2002 dated 26.07.2002 registered under Sections 395 and 397 of the Indian Penal Code in which, after investigation,



the police submitted final report No. 13 of 2005 dated 15.05.2005.

3. Learned counsel for the petitioner submits that father of the petitioner was murdered and Neemchak Bathani P.S. Case No. 20 of 2002 was registered on 26.07.2002. Subsequently, Section 396 IPC was also added apart from Sections 395 and 397 of IPC. The father of the petitioner was a truck driver who was killed during a dacoity and the FIR was instituted at the instance of another truck driver who was also robbed. The police investigated the matter but finding no clue, submitted a final report on 15.05.2005 which was accepted by the learned Chief Judicial Magistrate, Gaya. The petitioner was minor at the time when his father was murdered and on attaining the age of majority, he made efforts to trace out the real culprit and gave a number of representations before the authorities but to no avail. Thereafter, he filed the present writ petition in the year 2022 seeking further investigation in the matter. Learned counsel further submits that the petitioner tried to obtain the record of Neemcak Bathani P.S. Case No. 20 of 2002 from the record room of Civil Court, Gaya but the said record was not made available to him. Learned counsel further submits that the intervention of this Court is needed in the matter to bring out the



truth and to trace out the real culprit. Therefore, the order may be passed for further investigation in fair and proper manner.

4. Learned counsel appearing on behalf of respondents-State vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the respondent-State submitted that the matter was investigated by the police and a final report has been submitted under Section 396 of IPC finding no clue in the matter. This report dated 15.05.2005 was accepted by the court of learned Chief Judicial Magistrate, Gaya, but the petitioner has not taken any steps to reopen the investigation before the court concerned which has accepted the final report. After much delay, the petitioner has approached this Court and the reasons for delay are not satisfactorily explained. Even if contention of the petitioner about attaining majority is considered, he slept over the matter and after five years of attaining majority, he filed the present petition when he attained the age of 26 years.

5. I have considered the rival submission of the parties and perused the record.

6. The glaring aspect of the matter is that the instant writ petition has been filed after much delay and laches. The explanation that the petitioner was minor when the occurrence



took place or the final report was submitted could not cut much ice. The petitioner must be under tutelage of his guardian who might have raised the issue at that time. The learned counsel for the petitioner has submitted before this Court that the mother of the petitioner is still alive, though he has no instruction about other siblings of the petitioner and their age.

7. Furthermore, the final report of the police was accepted by the court of learned Chief Judicial Magistrate, Gaya and the order has attained finality for want of challenge. Reopening the issue, that too, under writ jurisdiction after such long period of time would be nothing but whipping a dead horse. The petitioner has further failed to bring to notice of the Court any other lacunae in the submission of final report or in the investigation, except making bland assertion about investigation not proper and has approached this Court after much delay.

8. The petitioner has, thus, failed to point out any defect in the investigation except the inability of the police officials who did not find any clue to proceed in the matter and also considering the fact that the writ has been preferred after much delay and this delay continued even after attaining majority, I am not inclined to entertain this writ petition and the



same is dismissed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2026
Transmission Date	13.01.2026

