

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.328 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- SURYAPURA District- Rohtas

Abhinash Tandon, S/o Shivji Singh, R/o Village- Raghodihra, P.S- Suryapura,
Distt.- Rohtas At Sasaram.

... .. Petitioner

Versus

1. The State Of Bihar Through The Additional Chief Secretary, Department Of Home, Govt. Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Deputy Inspector General Of Police, Shahabad Range, Ara Bihar
4. The District Magistrate, Rohtas At Sasaram Bihar
5. The Superintendent Of Police, Rohtas At Sasarm Bihar
6. The S.D.P.O, Bikramganj, Distt.- Rohtas Bihar
7. The Officer-In-Charge, P.S- Suryapura, Distt.- Rohtas Bihar

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Raghunandan Singh, Advocate Mr. Harendra Kumar Singh, Advocate
For the Respondents	:	None.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-07-2026 Learned counsel for the Petitioner is present. However,
nobody is present on behalf of the State.

2. As per the cause list, G.P.-7 has been entrusted this
case. Even on the last date he was not present.

3. The present writ petition has been preferred by the
Petitioner for proper investigation in Suryapur P.S. Case No.
123 of 2023 registered on 28.06.2023 for the offence punishable
under Section 302, 120(B) read with Section 34 of the Indian
Penal and Section 27 of the Arms Act against four named



accused persons and four unknown persons.

4. Learned counsel for the Petitioner submits that despite passage of about three years, the police has neither arrested any accused nor filed any charge-sheet. Hence, there is lack of proper investigation by the police.

5. However, as per the counter affidavit filed by the Superintendent of Police, it transpires that after investigation, the case has been found to be true against unknown persons but there is no material to connect the named accused persons with the alleged offence and they have been implicated only on account of land dispute.

6. It is settled principle of law that the jurisdictional Magistrate, is competent Court to monitor the investigation and the Petitioner has remedy under Section 156(3) Cr.PC/ 175(3) B.N.S.S. to file appropriate application for proper investigation and the Jurisdictional Magistrate will take needful steps to ensure that the case is properly investigated within reasonable time.

7. Hence, the present petition is disposed of with liberty to the Petitioner to move Jurisdictional Magistrate with appropriate application for proper investigation and filing of final form in reasonable time and if such application is filed by



the Petitioner, the Jurisdictional Magistrate would pass appropriate order as per law.

(Jitendra Kumar, J.)

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