

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1206 of 2024

Arising Out of PS. Case No.-121 Year-2016 Thana- PAKRIDAYAL District- East Champaran

Ravi Singh, Son of Sri Baban Singh, Resident of Village - Narullahpur, Police Station - Shikarganj, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent Of Police East Champaran (Motihari) Bihar
3. The Officer In- Charge, Pakridayal Police Station, East Champaran Bihar
4. The Investigation Officer Pakridayal Police Station , East Champaran Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Sharma, Advocate
For the Respondent/s : Mr. Prashant Kumar, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 19-01-2026

As prayed for, learned counsel for the petitioner is directed to remove the defects pointed out by the office within one week.

2. Though, today the record has been put up under the heading 'For Orders (On Office Notes)', but with consent of the parties, I intend to dispose of this petition at this stage itself.

3. Heard learned counsels for the parties.

4. The present writ petition has been filed seeking following reliefs :-

"1. For issuance of an appropriate writ, order, direction in the nature of mandamus commanding and directing the respondent to make



proper investigation in Pakridayal P.S. Case No.121 of 2016, specifically on the point whether mobile number 7301639195 on the basis of which the petitioner has been implicated in the case belongs to the petitioner or not.

II. For any other relief which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case”.

5. The learned counsel for the petitioner submits that the petitioner has filed an application under Section 156(3) of Cr.P.C. before the court of learned Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran in connection with Pakaridayal P.S. Case No. 121/2016 with similar prayer. Prior to that the petitioner has made several representations to the police authorities, namely the DIG, West Champaran vide Memo No. 922/CR dated 27.02.2021, the DGP vide letter no. 2279XL dated 10.06.2022, letter no. 2958XL dated 14.07.2022 and letter no. 4523XL dated 20.10.2022 and also to the investigating officer and supervising authorities, but no proper investigation has been made. The learned counsel further submits that the present petition may be disposed of in the light of order dated 14.09.2022 passed by the learned Coordinate Bench in Cr.W.J.C. No.1072 of 2018 whereby and whereunder the learned Coordinate Bench in a writ petition filed for proper and



fair investigating reiterated the guidelines issued in a batch of writ petitions with lead case being Cr.WJC No. 153 of 2017. The learned counsel further submits that the application filed before the learned Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran is still pending, though it has been filed on 11.07.2023.

6. Perused the record.

7. The learned Coordinate Bench while disposing of the Cr.WJC No.153 of 2017 along with other analogous cases, vide order dated 09.09.2022, issued following directions in paragraphs 10 :

“(I) In the cases where the investigation of the case is still pending, the concerned writ petitioner/an aggrieved person (hereinafter referred to as the ‘writ petitioner’ or ‘an aggrieved person’) may file an appropriate application before the Senior Superintendent of Police/Superintendent of Police of the concerned district drawing his attention towards the pending investigation. The aggrieved person shall submit his stand by way of an application with all supporting materials in the office of Senior Superintendent of Police/Superintendent of Police or send the same through registered post/speed post/email, as the case may be. A copy of the same shall also be sent to the investigating officer of the case.

(II) On receipt of such application from the aggrieved person, the Senior Superintendent of Police/



Superintendent of Police shall himself supervise the said case within a period of two weeks, wherever necessary he shall give a chance of hearing to the aggrieved person and all endeavours be made to consider the submissions as well as the materials produced before him.

(III) The Senior Superintendent of Police/Superintendent of Police shall issue necessary instructions to any other supervising authority such as Dy.S.P. and also to the I.Os. of the case to complete the investigation from all angles within a reasonable period. What will be the reasonable period will depend upon the nature of the case and the kind of materials which are required to be dealt with. It is to be kept in mind that only because the Criminal Procedure Code does not provide for maximum limit within which an investigation is to be completed, it does not mean that the investigation is to be kept pending for decades. There are many judicial pronouncements of the Hon'ble Supreme Court in which the prosecution has been quashed because the investigating agency failed to complete the investigation of the case despite lapse of several years. Undue delay in completion of investigation erodes public faith and confidence in the investigating agency.

(IV) Upon receipt of a request/application /representation from a person connected with the case and aggrieved by and dissatisfied with the investigation alleging improper investigation, complaints of threat to him or his family or the witnesses by his opponents, accused or his associates, it is the Sr. Superintendent of Police/Superintendent of Police of the concerned



district and the Station House Officer of the concerned police station as well as the I.O. of the case who would be duty bound to enter or caused to be entered the information in the station diary of the police station and examine or caused to be examined the threat perception of the informant and/or his family members/witnesses and take appropriate steps at the earliest, in the cases where threat perceptions are found to be genuine, they would take immediate measures to protect the life of the person(s) under threat. Delay in examining the request/representation leading to any serious consequences shall in itself be a matter of enquiry and action against the erring police officials.

(V) As regards the grievance that accused persons are not being arrested in cases involving serious and heinous offences the Senior Superintendent of Police/Superintendent of Police/Investigating Officer shall take appropriate steps keeping in view the law and judgments of the Hon'ble Apex Court on the subject. In the matter of absconding accused the I.O. must take immediate steps to arrest him and exhaust all other procedures in accordance with law with utmost expedition.

(VI) This Court has already reproduced the extracts from judgment of the Hon'ble Supreme Court in the case of Sakiri Vasu (supra). In the light of the said judgment, this Court directs that in all these cases the learned Magistrate(s) in whose court the case is pending, shall, without seeking any application from the informant monitor the investigation. They are fully competent to take a view as to whether a proper investigation is taking place or not. Learned



Magistrates are expected to exercise their powers under Section 156(3) Cr.P.C. to ensure that investigation of the case pending before the learned Magistrate is duly investigated. If it is found that the Investigating Officer is not proceeding with the investigation expeditiously and is keeping the same pending without rhyme or reason and in the opinion of the learned Magistrate it is found to be a case of inaction on the part of the Investigating Officer, the learned Magistrate would be well within his powers to direct the Senior Superintendent of Police/Superintendent of Police to change the Investigating Officer, to supervise the case himself by the Senior Superintendent of Police/Superintendent of Police and to take appropriate measures in accordance with law. While exercising his power under Section 156(3) Cr.P.C., the learned Magistrate shall definitely monitor the investigation, though he cannot investigate the case himself and will not act as supervisory authority but it is certainly within his domain to ensure that the investigation is done properly and for this purpose without interfering with the power of the Investigating Officer or the Supervising Authority to conduct an investigation, the learned Magistrate may issue appropriate directions which in his opinion is required for conduct of proper investigation. What would be the nature of such direction(s) in a given case cannot be put in a straight jacket formula and it is for the learned Magistrate to look into this aspect of the matter on case to case basis. An application filed by an aggrieved person with prior service of copy upon the learned Public Prosecutor/A.P.P. seeking directions for proper



investigation must be heard expeditiously and the same be disposed of within a period of 30 days from the date on which such application is moved before the learned Magistrate on the first date. If the learned Magistrate fails to exercise his power under Section 156(3) Cr.P.C. either on his own or on filing of the application by the aggrieved person, an appropriate application may be brought before this Court for an order/direction and monitoring as the case may be.

(VII) If any of the directions issued by the learned Magistrate in accordance with the order of this Court as stated above to the Senior Superintendent of Police/Superintendent of Police/investigating officer, unless otherwise interfered with by a competent court of law, is not given effect to by the concerned authorities, it will be taken to be a case of contempt of this Court and the learned Magistrate may inform this Court as regards the willful disobedience or disregard shown to the order/orders, direction/directions issued by him in terms of this judgment. In such circumstance an aggrieved person may also file an application seeking initiation of contempt.

(VIII) All the stake-holders in the present writ applications shall act accordingly. A copy of this order be sent to the Director General of Police, Bihar to enable him to issue necessary instructions at the earliest”.

8. In the guidelines, the learned trial court has been reminded of its powers and if the application filed by the petitioner is still pending, it shows failure to discharge its duty



by the learned trial court in contravention of above-noted guidelines (VI).

9. Therefore, the learned trial court, i.e., the Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran is directed to dispose of the application dated 11.07.2023 filed by the petitioner within four weeks from the date of receipt/production of a copy of this order by passing a reasoned and speaking order.

10. With the aforesaid observations/directions, the present writ petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2026
Transmission Date	19.01.2026

