IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1029 of 2026

Arising Out of PS. Case No.-296 Year-2025 Thana- BIHIA District- Bhojpur

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Gauri Shankar Ram, Son of Late Triloki Ram Resident of village- Ganj, Post- Ossain, PS- Bihiya, Dist- Bhojpur, Bihar-802183 ... ... Petitioner

Versus

1. The State of Bihar through the chief Secretary, Bihar, Patna
2. The Director General of police (DGP), Bihar, Patna
3. Inspector General (IG), Patna
4. The District Magistrate (DM), Bhojpur, (Arrah)
5. The Superintendent of Police (SP), Bhojpur (Arrah)
6. The Sub Divisional Police Officer (SDPO), Jagdishpur, Bhojpur
7. The Station House Officer (SHO), Bihiya PS, Bhojpur
8. The Station House Officer (SHO), Jagdishpur PS, Bhojpur
9. The Excise Inspector /In-charge Excise Dept. Jagdishpur, Bhojpur
10. Central Bureau of Investigation (C.B.I), New Delhi Through its Director Plot No. 5-B, CGO Complex, Lodhi Road, New Delhi - 110003

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Rai, Advocate Mr. Shivam Sandeep, Advocate Mr. Shashank Kumar Singh, Advocate Mr. Avinash Kumar, Advocate
For the Respondent/s	:	Mr. S. D. Sanjay, AG Mr. Shashwat Agarwal, AC to AG Mr. Rahul Kumar, Advocate Mrs. Priya Gupta, Advocate
For the CBI	:	Mr. Nilanjan Chatterjee, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 07-08-2026

An elderly victim has moved this Court with a prayer seeking a fair investigation in the matter of alleged assault and unlawful detention of his son Sanoj Kumar by the Excise Police Officials, Jagdishpur in the District of Bhojpur on 13.08.2025.

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Since then, the whereabouts of his son is not known. The petitioner has alleged police inaction, bias and delayed investigation on the part of the local police. He has ventured into demonstrating before this Court by tangible materials that the local investigation is compromised and it lacks neutrality because the persons involved are the Excise Police Officials of the State.

2. By filing this writ application, the petitioner prays for the following reliefs:-

> "(i) To order/direct to the Respondents Authorities to produce the detenu Sanoj Kumar (Petitioner's son) before this Hon'ble court;
> (ii) To pass suitable orders ensuring the protection of life and personal liberty of the detenu;
> (iii) To direct an independent and impartial investigation preferably by Central Bureau of Investigation (C.B.I.) or any other independent agency as this court may consider appropriate, into the raid and detention of the detenu;
> (iv) To order/ direct preservation and production of call detail records (CDRs), including location data of the detenu and the officers involved in the raid and detention, along with CCTV footage of the site of raid and concerned Police Station;
> (v) To pass appropriate order granting compensation to the Petitioner for the illegal detention, if so, established after inquiry;
> (vi) Pass any other order/ orders as this Hon'ble Court may deem fit and proper in the interest of justice."

Case of the Petitioner

3. The case of the petitioner is as follows:-

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(i) One of the four sons of the petitioner is Sanoj Kumar, who was working as a *centring mistri* at construction sites. On 13.08.2025, he went to his work as usual and in the evening he spoke to the petitioner over phone in a normal manner regarding purchasing certain items for his child. It is stated that on the same day at about 6:35 PM, the petitioner's younger son, Rakesh Kumar, received a phone call from mobile no. 9625335329, wherein Sanoj Kumar informed that he had been apprehended by the police on allegations of consuming liquor near Kali Mandir at Dharahara Musahar Toli.

(ii) Thereafter, said Sanoj Kumar (hereinafter called as "detenue") again called back and stated that police were beating him mercilessly, thereafter, the call got disconnected. Subsequent attempts by the family to contact him failed as the phone was found switched off. The petitioner and his family approached Bihiya Police Station and also went to Jagdishpur Police Station. He was informed that several persons have been detained and were later on released after interrogation but no satisfactory information was given about his son. Since then, the whereabouts of the son of the petitioner is not known.

(iii) It is the case of the petitioner that on not getting any satisfactory information from the police about his son/detenu,

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on 14.08.2025, he lodged a complaint with Bihiya Police Station seeking to trace the whereabouts of his missing son. A police case, being Bihiya P.S. Case No. 296 of 2025 (Annexure 'P/1'), was registered. The written information, which is the basis of the FIR, reads as under:-

सेवा में,
श्री मान थाना अध्यक्ष
महोदय बिहिया थाना, भोजपुर
महाशय,

निवेदन पुर्वक कहना है की मैं गौरी शंकर राम पे0– त्रिलोकी राम सा0 गंज थाना बिहिया जिला भोजपुर का निवासी हूँ। दिनांक – 13/08/25 को समय करीब 6:35 बजे हमारे मो0 संख्या– 9625335329 पर मोबाईल न0 – 9931845367 सें फोन आया तो मैं काल रिसीव किया तो हमारे बेटा से बात हुआ की हमको अपकारी पुलिस पकड़ लिया है। बिहिया धरहरा मुसर टोली के पास उनके बाद हमलोग फिर उसी नम्बर पर कॉल किया तो वह नम्बर बन्द बता रहा है। उसके बाद हमलोग खोज बिन करना सुरू कर दिया पर वह कही नहीं मिला उस के बाद सुबह हमलोग धरहरा मुसर टोली जा कर पता किया तो वहाँ के कुछ ग्रामीण लोग बताए की कुछ लड़के को पुलिस पकड़ी थी पुछताछ कर छोड़ दिया वहाँ हमारा मोटर साईकिल सुपर स्पलेन्डर हिरो कम्पनी का जिसका न0 BR03AF7624 है। और इंजन न0 – JA07ABM9B06358 है। जो हमारे बेटा के नाम से गाड़ी था सनोज कुमार के नाम से काफी खोज बिन करने के बाद भी नहीं मिला तब मैं इसकी सुचना आज दिनांक 14/08/2025 को बिहिया थाना आकर इसकी सुचना दिया और तब लिखित आवेदन दिया।

अतः श्री मान से अनुरोध है की हमारे आवेदन को स्वीकार कर जाँच कर खोज बिन करने में हमारी मदद करे उनका उम्र लगभग 31 वर्ष था वह सावला रंग का था काला हाफ पैन्ट पहिना था और सेन्डो गनजी पहना हुआ था

आपका विश्वासी
ह0/–
गौरी शंकर राम
दिनांक – 14/08/2025
मो0 – 9625335329
Rakeshjadav9629@gmail.com

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The prosecution case is based on the aforesaid written application of Gauri Shankar Ram (the petitioner). In his written application, the petitioner has stated that on 13.08.2025 at about 6:35 PM, he got a call on his mobile no. 9625335329 from mobile no. 9931845367 wherein his son Sanoj Kumar informed that he had been apprehended by the police on allegations of consuming liquor near Kali Mandir at Dharahara Musahar Toli. Thereafter, the petitioner tried to contact his son on the same mobile number but he failed as the phone was found switched off. The petitioner thereafter started searching his son but could not find any trace then they went to Dharhara Mushahar Toli where they got to know from the villagers that a few boys were apprehended by police who were released after interrogation. It is further alleged that at the said place, the petitioner found Super Splendor motorcycle bearing registration no. BR03AF7624, Engine No. JA07ABM9B06358 which is registered in the name of his son Sanoj Kumar. On not finding any information about his son Sanoj Kumar, on 14.08.2025, the petitioner lodged the FIR at Bihiya Police Station seeking to trace the whereabouts of his missing son resulting in registration of Bihiya P.S. Case No. 296 of 2025.

(iv) On 14.08.2025, the motorcycle of the detenu was found in an abandoned condition near Dharahara Musahar Toli

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under the jurisdiction of Bihiya Police Station, which was later on reported to the police. After taking photographs of the vehicle, the same was handed over to the petitioner with an instruction to take it back after getting a duplicate key made. It is stated that the detenu was in possession of two mobile phones with active numbers 9931845367 and 7761814166, one of which was an Oppo handset, both of which subsequently became unreachable. The mobile number 9931845367 had its last call detail record (CDR) location traced to Jagdishpur Police Station. Upon inquiry by the Investigating Officer of the case at Jagdishpur Police Station in the morning of 24.08.2025, one of the members of Jagdishpur Police Station surrendered the handset associated with number 9931845367 to the I.O. in presence of Deputy Superintendent of Police, Bhojpur but the second mobile phone remained unrecovered till date.

(v) It is categorically stated that certain eyewitnesses informed the petitioner that his son was brutally assaulted by police personnel, rendered him unable to walk and was even denied drinking water. It has further been stated that the detenu was dragged with a cloth (*gamcha*) tied around his neck and was forcibly taken away in a police vehicle. The petitioner asserted

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that the witnesses denied to record their statements before the authorities due to fear of police.

(vi) It is further stated that a CCTV camera installed on a private premise near Dharahara Musahar Toli had captured the incident wherein the detenu was forcefully and brutally taken away by the police. The video clearly depicts two police vehicles arriving one after another, one carrying police officials in civil dress and the other with police officers in uniform. The police personnel are seen detaining several individuals, including the detenu, and subjecting them to physical assault. The detenu is physically dragged by the neck with a cloth (*gamcha*) and taken away in one of the police vehicles. Both vehicles then departed together in a direction other than towards the police station.

(vii) It is the case of the petitioner that a government CCTV camera is also situated at the place of the aforesaid incident but even after repeated requests by the petitioner and his relatives, the same was neither secured nor produced by police, raising serious apprehension of suppression of material evidence.

(viii) It is stated that on 17.08.2025, when the petitioner and his relatives visited Bihiya Police Station to inquire about the progress of investigation and to seek information regarding the whereabouts of the detenu, the police personnel misbehaved and

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abused them. The petitioner, who belongs to the Scheduled Castes community, along with his family members, including women, was subjected to caste based and derogatory remarks. The police further directed them not to visit the police station again. It is stated that in the meantime, the two police officers involved in the case were also transferred.

(ix) The petitioner has placed on record copies of his representations submitted to the District Magistrate, Bhojpur at Ara, Superintendent of Police, Bhojpur, the National Human Rights Commission and the Bihar State Human Rights Commission. In all these representations, the petitioner brought to the notice of all these authorities that his son has been subjected to illegal detention, custodial violence and blatant violation of fundamental rights guaranteed under Articles 14, 21 and 22 of the Constitution of India.

Previous orders of this Court

4. This writ application came up for consideration for the first time on 13.05.2026. On the said date, this Court, having noticed that there were serious allegations of involvement of the police officials, passed the following order:-

> "In the nature of allegations made in the writ petition, it is desirable that the Superintendent of Police, Bhojpur at Arrah shall personally supervise this case and submit a report to this

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> Court as to the action taken so far on the F.I.R. lodged by the petitioner. It is expected that those Police officials against whom the allegations are coming, shall be kept away from the investigation of the case
>
> 2. Let a comprehensive affidavit be filed within a period of four weeks from today.
>
> 3. Let the order be communicated to the Superintendent of Police, Bhojpur (Arrah) immediately.
>
> 4. Learned counsel for the State shall also inform the Superintendent of Police, Bhojpur at Arrah regarding the order passed by this Court.
>
> 5. List this matter after summer vacation i.e. on 17.06.2026."

5. The writ application was taken up for consideration after a month, but in the meantime, no counter-affidavit was filed. This Court has taken note of the conduct of the respondent in its order dated 17.06.2026. On the prayer of learned AC to AAG-13, the Court granted one week's final time to file a comprehensive counter-affidavit by Superintendent of Police, Bhojpur.

6. On 24.06.2026, this Court noticed the stand of the respondent no.5, i.e. the Superintendent of Police, Ara. In paragraph nos. '7', '8', '9', '10', '11' and '12' of its order dated 24.06.2026, this Court has recorded as under:-

> "**7.** A counter affidavit has been filed on behalf of Respondent No. 5, i.e., the Superintendent of Police, Arrah. This Court finds that the Superintendent of

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Police, Arrah has admitted in the counter affidavit that during investigation of the case, it came into light that the Excise Department, Bhojpur had conducted a raid on the alleged date and time and there, the raiding team had arrested some persons. It is stated that according to the Excise raid team, all the arrested people were released, the raiding team did not report the fact to the Bihiya Police that when the raiding team along with the arrested people reached near Chaurasta, one arrested person jumped from the jeep and fled away.

8. This Court finds that S.P., Arrah has given a clean chit to the Bhojpur Police and has stated that the allegations were made pertaining to the police officers of the Excise Department of Bhojpur, which comes under the jurisdiction of Superintendent of Excise, Bhojpur. It is stated that I.O. had collected and observed the CCTV footage near the place of occurrence at main road but no clear visible photo of the vehicle or the person involved could be discerned from the footage. On the recommendation of Dy.SP, Jagdishpur, polygraph test of all the raiding members of the Department who had conducted the raid on 13.08.2025 at Dharhara Musahar Toli has been carried out and according to the S.H.O., Bihiya, some of the members of the raiding team were made suspects in the case. Their names are mentioned in paragraph ‘15’ of the counter affidavit as under:-

(i) S.I. Excise Department Deeraj Kumar
(ii) ASI Excise department Raju Kumar
(iii) Home guard 132485 Dharmendra Paswan
(iv) Home guard Umesh Kumar Yadav 132627
(v) Home guard Raju Kumar
(vi) Driver Raju Kumar Singh

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(vii) Driver Vikash Kumar.

9. *Prima-facie*, this Court finds that the matter which came to be registered by way of an FIR as back as on 14.08.2025 has not progressed with utmost expedition. The whereabout of the son of the informant is not known and according to him, his son was brutally assaulted by police and he was not in a position to move. More than ten months have gone past. The members of the raiding team have not been arrested and interrogated. The Inspector, Excise who is party Respondent No. 9 has chosen not to file any counter affidavit in this case.

10. In such circumstance, we are of the opinion that this Court must consider transferring the investigation to an independent agency. The D.M., Bhojpur, the S.P., Bhojpur as also the Excise Inspector/In-charge, Excise Department, Jagdishpur would be required to explain their conduct in sitting over the matter which is only helping in hushing up the whole case by efflux of time. This Court being a Constitutional Court cannot remain a mute spectator.

11. This Court directs that D.M., Bhojpur, S.P., Bhojpur, Station House Officer, Bihiya Police Station, Bhojpur and the Excise Inspector/In-charge, Excise Department, Jagdishpur be present either in person with the records to answer the queries of the Court or they may choose to be present through virtual/online mode on 30th June, 2026. After interacting with these officers who are respondents in the writ application, this Court would proceed to pass final order in the writ application.

12. Considering the sensitivity of the matter as it relates to violation of human rights as well, we are of the view that a copy of this order be communicated to the Director General of Police,

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Bihar, Patna and the Excise Commissioner, Bihar. If they have any views/opinion on the issues, they may also choose to inform this Court by physical or virtual/online mode."

7. When the matter was taken up for consideration on 30.06.2026, this Court noticed that despite the specific order of this Court to produce the records, the records were not produced. This Court passed two orders that day which are being reproduced hereunder:-

Order No. 5 dated 30.06.2026

"Despite order dated 24.06.2026 passed by this Court contained in paragraphs '11' and '12', the records have not been produced. Even as some of the officers have joined online, but in absence of the records, the Court cannot proceed.

2. The learned Advocate General is present.

3. It appears that the opportunity given to the officers to choose the online hearing mode is not being taken seriously.

4. In the circumstances, this Court directs that all the officers mentioned in paragraph '11' of the order shall be present in person in post luncheon session with all the records.

5. The matter will be taken up further today at 02:15 PM."

Some Paragraphs of the Order No. 6 dated 30.06.2026

"We have heard learned counsel for the petitioner, learned Advocate General for the State and have also interacted with the District Magistrate, Bhojpur, Ara, Superintendent of Police, Ara and the S.H.O. Jagdishpur Police Station, Bhojpur.

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2. In the order dated 24.06.2026, this Court had extracted in detail the facts of the case and the reliefs prayed for on behalf of the petitioner. This Court had noted how the petitioner kept on running from one office to another, reminding the authorities of the State that his son had been brutally assaulted by the Excise police officials whereafter his whereabout is not known. He also informed that some local persons who were afraid to make statement in front of the police had informed him that his son was so brutally assaulted that he was unable to move and that he was pulled by tying him with a towel in his neck by a red light vehicle. Paragraph '5' of the order dated 24.06.2026 reads as under:-

> "**5.** Vide Annexure 'P/2', the petitioner further made a representation to the Superintendent of Police, Arrah wherein he has stated that despite a lapse of 20 days, his son had not been recovered. He had gone to the Excise Police Station but no satisfactory answer could be given to him. Some persons informed him that his son was brutally assaulted by police, he was not in a position to move and he was pulled by tying him with a towel in his neck and he was being pulled by a red light vehicle. He also asserted that there was a camera in a private house in which it is apparently showing that his son was being put in a government vehicle. He requested for a CBI investigation of the case."

3. After noticing the kind of stand taken in the counter affidavit filed on behalf of the S.P. Ara, when we found that the investigation revealed that at least seven persons of the Excise police team were suspects in this case and that the investigation is not progressing with all sensitiveness and sincerity, this Court decided to

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call upon the officers such as, District Magistrate, Superintendent of Police and the S.H.O./ Investigating Officer.

4. The S.H.O. Jagdishpur Police Station has placed the case diary. He has informed that investigation of the case was initially handed over to SI Bimlesh Kumar on 14.08.2025. After taking charge of the investigation, he had recorded the statement of the informant and visited the place of occurrence. He had also recorded the statement of some of the witnesses. It transpired in course of investigation that the boy used to go to Dharhara, Musahar Toli to consume liquor. On the date of occurrence, five persons came in civil dress and they had taken away five boys from the said Dharhara, Musahar Toli. The witnesses informed that the persons in civil dress were Excise police officials. Father of the victim informed that he had received mobile call from his victim son at 6:35 P.M, his son had informed that Excise police officers had arrested him. The I.O. obtained call detail reports and tower locations of the mobile phones of the victim boy. He found that the victim boy had made a call from his mobile on the mobile phone of his father at 6:35 P.M and 6:43 P.M. The I.O. also found that out of two mobiles of the victim one of the mobile's tower location was that of the Excise Police Station, Jagdishpur.

5. The S.H.O. has further informed that it has come in the case diary that when he visited the Excise Police Station and inquired from Sub-Inspector of Police Rajkumar and Sub-Inspector of Police Dheeraj Kumar Singh then they stated that both of them had conducted a raid there and arrested 4-5 persons but all were left there. They did not say anything about Sanoj Kumar (Victim).

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6. At this stage, this Court has been informed that on the very next day i.e. 23.08.2025, Rajkumar and Dheeraj Kumar Singh both the SIs of Excise Police Station, Jagdishpur visited Jagdishpur police station and handed over one OPPO company Android mobile with IMEI Nos. 860150061683670, 860150061683662 which belonged to the victim boy Sanoj Kumar. The I.O. prepared the seizure list of the mobile phone. However, it appears that the said mobile phone has not been sent to FSL for the forensic examination.

7. This Court has been further informed that in their subsequent statements the SI Raj Kumar and Dheeraj Kumar Singh disclosed that in Dharhara, Musahar Toli, on the allegation of consumption of liquor, five persons were arrested, their breath analysing test was done, out of them, two were found negative so they were left to go. Rest three persons were put in the vehicle, they were taken to Bihiya Chaurasta but because Bihiya Chaurasta was having a traffic jam so the vehicle moved towards highway from the Chaurasta. At this stage, it has been disclosed by Dheeraj Kumar Singh that one person sitting in the vehicle dickey opened the dickey and fled away. It has been further disclosed that the mobile phone of that person was taken in possession by Dheeraj Kumar Singh and that mobile remained with him which he was handing over after the direction of the senior officers. He has also stated that because he was afraid so he had not disclosed this occurrence to anyone.

8. The S.H.O. submits that the investigation so far has disclosed that the victim boy was arrested by Excise police team and he was put in the dickey whereafter the police vehicle moved but then the victim boy is said to have fled away but the fact is that this story has been brought into existence by the two SIs of excise

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police only at a belated stage and when they were asked to submit themselves to the jurisdiction of the police then only they came to provide the mobile phone of the victim boy to the I.O.

9. The Superintendent of Police, Bhojpur at Ara has submitted that he is supervising the matter and is obliged to unearth/ unravel the whole case. He will not leave any stone unturned to get the truth behind the occurrence and very soon, he is going to take some steps which may prove fruitful in unveiling of the entire case.

10. We place on record our displeasure on the manner in which the first I.O. and then the S.H.O. of the Jagdishpur Police Station have conducted the investigation. They are moving slowly and slowly for some time giving an impression to this Court that they are only helping the accused persons as even when they have been found suspects, the Investigating Agency is not able to find out the truth from them. It is clear that the victim boy has gone missing after his arrest and when he was in the custody of the Excise police officials. Whether he fled away or something else happened to him is a matter which is required to be revealed keeping into consideration the entire materials which may come in course of interrogation of the persons who are the suspects in this case. The Supervising Authority such as SDPO, Jagdhishpur and SP, Bhojpur at Ara have perhaps not devoted much time to this case. We will take a final view of the matter later on."

8. The Order No. 6 dated 30.06.2026, passed at 2:15 PM, takes note of the revelations made by the S.H.O., in paragraph '8'. This Court has clearly recorded that the two S.Is.

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of Excise Police came out with a disclosure that the victim boy was arrested by Excise Police team and he was put in the *dickey* but then they came out with a statement that as the police vehicle moved, the victim boy fled away. This story has been brought into existence only at a belated stage.

9. This Court has found that only after the case progressed after intervention of the Court, the I.O. moved to some extent under compulsion. In paragraph '10' of its Order No. 6, dated 30.06.2026, this Court has recorded that the first I.O. and the then S.H.O. of the Jagdishpur Police Station have not conducted the investigation properly and they have given an impression to this Court that they were only helping the accused persons even as they had been found suspects.

10. In its subsequent hearing of the case on 02.07.2026, this Court was informed that after taking into custody the six suspects, the Superintendent of Police, Bhojpur had interrogated them and in course of interrogation, it was revealed that the victim, Sanoj Kumar, was taken into custody along with Manish Yadav and Mira Yadav. The Excise Police Officers who had been arrested and interrogated were changing their statements. It was revealed in course of interrogation that there was a scuffle with the victim, Sanoj, and the private driver who was driving the

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Excise Police vehicle, he had put a towel around his neck and he was being pulled up. What *prima facie* transpired to this Court have been taken note of in paragraphs '8', '9', '10' and '11' of the order dated 02.07.2026. The relevant paragraphs of the order dated 02.07.2026 are being extracted hereunder:-

> "**5.** This Court has been informed that out of seven suspects who are named in paragraph '8' of the order dated 24.06.2026, the Superintendent of Police, Bhojpur has taken into custody six of them. One suspect, namely, Driver Surendra Kumar Singh will be taken into custody today as the team working on it has already been deputed for this purpose.
>
> **6.** At this stage, it is pointed out that in paragraph '15' of the counter affidavit, the name mentioned in serial no. (v) is to be correctly read as 'Home Guard Raju Kumar Singh' and in serial no. (vi) the name is required to be corrected and it should be read as 'Driver Surendra Kumar Singh'. It is also pointed out that the person named at serial no. (i) should be 'ASI Excise Department' and not 'SI Excise Department'. In serial no. (ii), the correct name of the ASI Excise Department be read as 'Raj Kumar' in place of 'Raju Kumar'. Learned AAG-13 submits that he will file a supplementary affidavit to this effect by tomorrow.
>
> **7.** Let the supplementary affidavit be filed and taken on the record.
>
> **8.** The Superintendent of Police, Bhojpur has informed that after taking into custody the six

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suspects, he has personally interrogated them. In course of interrogation, it has been revealed that the victim Sanoj Kumar was taken into custody along with Manish Yadav and Mira Yadav. The Excise Police Officers who have been arrested and interrogated by him have been changing their statements and they are making incongruous and inconsistent statements. It has also been revealed in course of interrogation that there was a scuffle with the victim Sanoj and the private Driver who was driving the Excise Police Vehicle had put a towel around his neck and he was being pulled up. It is Driver Vikash Kumar who had put the towel around the neck of the victim. The CCTV footage preserved in a pen drive under a certificate of the owner of the device has been examined by the I.O. and this Court has been informed that from the CCTV footage, though it is not clear, but it is the statement of the Excise Police that the victim boy had fled away after opening the dickey of the vehicle.

9. At this point of time, this Court has cursorily looked at the CCTV footage. Without recording its opinion, the Court would only observe at this stage that the vehicle in which the victim boy along with other two were put into, was not an open vehicle, it was not even half-open, the vehicle seems to be a Bolero Vehicle which is fully closed from outside and unless the backside gate is opened, it would not be possible to flee away with a jump. The S.P., Bhojpur has come out with a statement before this Court

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that he himself finds that these Excise officials who are being interrogated are not disclosing the complete truth but his endeavour is to get the truth revealed during investigation and for this purpose, while forwarding the accused persons to the competent court today, he will be seeking remand of those persons for few days.

10. Shri Gauri Shankar Ram who is the petitioner in person has appeared before this Court and addressed it. This Court had also occasion to interact with the mother of Manish Yadav over the telephone of the S.H.O. who had connected her as the Court wanted to make everyone connected with the matter confident of getting proper treatment and security if they assist the Investigating Officer in course of investigation. The S.H.O and the S.P. were also of the prima-facie view that the persons who would have been most material like Manish Yadav and Mira Yadav are perhaps afraid of coming out with the truth which they have seen. They have agreed to go to the house of both Mira Yadav and Manish Yadav in order to instill confidence in the family and those witnesses and will always make endeavour to ensure that those witnesses are provided appropriate security/protection under the Vulnerable Witness Scheme.

11. Shri Gauri Shankar Ram has informed this Court that during last few months, several persons have approached him for hushing up the case and he is being pressurized not to pursue this matter further. The statement has been made in presence of the learned AG and

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learned AAG-13 as also the S.P. and other police officials. This Court finds that a poor person coming from the lowest strata of the society is, on the one hand, not getting whereabout of his son and apprehends that his son has been done to death by the Excise Police Officials and they have made the dead body to disappear and thereafter indulged in concealing the entire materials, but at the same time, he is afraid of his own protection. The informant is a vulnerable witness and the S.P. Bhojpur agrees to this that from today itself, he along with his family will be given full protection. The S.P., Bhojpur shall also find out as to who were those persons who approached the informant to persuade him to hush up the case. Such persons are liable to be identified and put under appropriate provisions of law. This is the case in which the Investigating Agency as well as this Court has to ensure that a person who is standing at the lowest pedestal gets justice. If the Investigating Agency and the Court fail to ensure that the truth is revealed and the petitioner gets justice, it will be the failure of the entire justice delivery system.

12. This Court expects that the S.P., Bhojpur shall go all out with his endeavours to get the truth revealed at the earliest opportunity.

13. This Court makes it clear that for the present, the Court is concentrating on the recovery of the victim boy and the discovery of truth behind his missing for last ten months. At the end, the conduct of the Investigating Officers who were deputed in

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this case but they failed to proceed with sensitiveness and sincerity remain open to be considered.

14. List this matter on 07th July, 2026 under the same heading maintaining its position.

15. It is made clear that the sensitiveness of the matter requires monitoring of this case, not supervising. The supervision lies in the hand of S.P., Bhojpur but monitoring shall continue in this case as a part heard matter.

16. On the next date, the S.P., Bhojpur, the S.D.P.O, Jagdishpur and the S.H.O., Bihiya Police Station shall further inform the developments. So far as this Court is concerned, the Court does not require personal appearance of the officers but then the officers have to ensure that every record and material should be produced before the Court at the time of hearing and then they can choose for online appearance in course of hearing.

17. List accordingly."

11. The matter was again heard on 07.07.2026, that day, this Court passed the following order:-

"Pursuant to the order dated 02.07.2026, the matter has been taken up today.

2. The Superintendent of Police, Bhojpur is present online. The SDPO, Jagdishpur and the SHO, Bihiya Police Stations are present in person. This Court has heard the learned Advocate General and the learned AAG- 13 for the State.

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3. This Court has been informed that during the interregnum period, the SHO has obtained an order from the learned Magistrate to send the mobile phone of the victim boy to Forensic Science Laboratory (in short 'FSL'), Hyderabad. He will either go himself or will depute his assistant sub-inspector to deliver the said mobile phone safely to the FSL, Hyderabad.

4. This Court directs that SHO should personally go and deliver the mobile phone of the victim boy to the FSL, Hyderabad with a request to examine the same from all angles of the investigation and make available a report at the earliest to the investigating agency. This Court further requests the Director, FSL, Hyderabad to take appropriate steps at the earliest as the Court is monitoring the investigation of the case which has already been delayed for a long time.

5. The SDPO, Jagdishpur and the SHO, Bihiya Police Stations have informed this Court that one material witness of this case, namely, Manish Kumar Yadav has come and they are taking steps to get his statement recorded before a learned Magistrate under Section 183(1) of the Bhartiya Nagrik Suraksha Sanhita (BNSS). Manish Kumar Yadav is a material witness, he is present in court. The SP, Bhojpur shall provide him protection and ensure that nobody tries to influence him or coerce him in any manner. This is open to Manish Kumar Yadav, in case

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he gets pressurized, to come before this Court and mention the matter.

6. The SDPO, Jagdishpur Police Station has informed that in this case, certain statements have been made by the accused which he has recorded in accordance with law. He also proposes to get recorded the statement of the petitioner and the brother of the victim boy before the Magistrate.

7. The SDPO, Jagdishpur Police Station has further informed that he has found some local persons who have secretly told him about the information they had with regard to the occurrence. He proposes to get their statements also recorded before the learned Magistrate.

8. This Court expects that right from SP, Bhojpur to SHO, Bihiya Police Station should act swiftly to collect the materials in the matter and reveal the truth. This will also replenish their reputation which seems to be getting tarnished because of inaction on their part so far during the last ten months.

9. We have also connected Mr. Ajitabh Kumar, ADG, State Crime Records Bureau (SCRB), Government of Bihar. Mr. Ajitabh Kumar has been requested by this Court to assist the investigation of this case by providing technical assistance, whatsoever would be required. For this purpose, the SP, Bhojpur, the SDPO, Jagdishpur and the SHO, Bihiya Police Stations shall immediately get in touch with the ADG, SCRB and chalk out a plan for scientific investigation of the case.

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> **10.** This Court will review the progress in course of investigation on the next date, i.e. on 27th of July, 2026.
>
> **11.** Let a copy of this order be sent to the Director, FSL, Hyderabad and to Mr. Ajitabh Kumar, ADG, SCRB, Government of Bihar."

12. After the order dated 07.07.2026 was passed, the S.H.O., Bihiya Police Station has filed a supplementary counter-affidavit. In the supplementary counter-affidavit, he has stated that- (i) In compliance of the order of this Court, the assistance of Director General of Police, SCRB, Bihar has been taken for scientific investigation; (ii) Seized mobile phone of the victim has been sent to Central Forensic Science Laboratory, Hyderabad, through S.I. Ram Kumar on 13.07.2026 for advanced forensic examination; (iii) The seized mobile phone of all accused persons have been deposited in the Forensic Laboratory, Patna, for digital forensic examination; (iv) The Investigating Officer obtained judicial order for conducting narco-analysis of the accused persons and requisite papers relating to proposed narco-analysis were forwarded to Forensic Science Laboratory, New Delhi; (v) It is stated that the non-FIR accused, Dharmendra Paswan was taken on police remand on 10.07.2026 and 11.07.2026 and he was subjected to sustained interrogation regarding the occurrence, movement of the police team and the circumstances leading to the

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disappearance of the victim. Statements of some of the witnesses have been recorded under Section 183(1) Bharatiya Nagarik Suraksha Sanhita (BNSS).

13. In the aforementioned background, we have heard learned counsel for the petitioner and learned Advocate General for the State of Bihar.

Submissions on behalf of the Petitioner

14. Learned counsel for the petitioner has vehemently argued that in this case, there are sufficient tangible materials on the record to show that the first I.O. and the S.H.O. of Bihiya Police Station did not take any significant step to investigate the case with all sincerity and sensitiveness. The statement of the informant together with the Call Detail Records (CDR) of the mobile phone of the victim and the tower location clearly indicate that the victim boy was subjected to physical assault by the Excise Police officials and the team of the Excise Police, they were required to be interrogated immediately and had it been done with all promptness, perhaps the whereabouts of the victim boy would have been found at the earliest opportunity. The inaction on the part of the State investigating agency writs large on the face of it and it is not difficult to find out the reasons behind this inaction. The suspects were the Excise Police

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Officials and on account of the accused being powerful and influential, the investigation had not proceeded in a proper direction.

15. The submission is that the investigation by the State investigating agency got compromised and for that reason, there is a lack of confidence in the investigating agency. It is submitted that in a case of the present nature where the State Police lacks credibility and it is necessary for having a fair, honest and complete investigation to retain public confidence in the impartial working of the State agencies, to instill confidence in the public mind, the investigation of the present case is required to be transferred to an independent agency, i.e. the Central Bureau of Investigation (CBI) and the investigation by the CBI be continuously monitored.

16. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Sudipta Lenka vs. State of Odisha and Ors.** reported in **(2014) 11 SCC 527** to submit that in an appropriate case, if the Court is satisfied that on account of the accused being powerful and influential, the investigation has not proceeded in a proper direction or it has been biased, the Court may direct transfer of the case and further investigation through the CBI.

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17. Learned counsel has also relied upon the judgment of the Hon'ble Supreme Court in the case of **Vinay Tyagi vs. Irshad Ali @ Deepak and Ors.** reported in **(2013) 5 SCC 762** to submit that the ultimate aim of a fair and proper investigation in criminal jurisprudence is the twin purpose:- Firstly, the investigation must be unbiased, honest, just and in accordance with law; secondly, the entire emphasis on a fair investigation has to be to bring out the truth of a case before the Court of competent jurisdiction.

18. It is submitted that in case of **Ramesh Kumari vs. State (NCT of Delhi) and Ors.** reported in **(2006) 2 SCC 677**, the Hon'ble Supreme Court, having noticed that there were allegations against the police personnel, took a view that the interest of justice would be best served if the case is registered and investigated by an independent agency like CBI.

19. It is submitted that in this case, almost one year is going to expire from the date of missing of the victim boy from the police custody, he was lastly seen in the police vehicle after he was put in the *dickey,* the local witnesses are though not coming forward due to fear of police to make statements but by entrusting the investigation to an independent agency like the CBI, even those witnesses may be encouraged to come forward and depose

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as to the condition of the victim boy which they had seen in the hand of the police personnel. All these would be possible only if the investigation is handed over to an independent agency like CBI.

Stand of the State

20. Learned Advocate General for the State submits that the delay in taking up the investigation of the case is though apparent on the face of it, but after the intervention of this Court by passing order from time to time, the State investigating agency is acting swiftly and all endeavours are being made to find out the truth. It is submitted that the investigation so far has revealed changing statements of the Excise Police Officials, one of the mobile phones of the victim boy has been found in possession of the S.I. of Police, who handed over the mobile phone only after lapse of a considerable period, the suspects have been taken into custody and steps are being taken to get scientific investigation of the matter done. Thus, it is submitted that at this stage, transfer of the investigation to the CBI may not be desirable.

Consideration

21. We have considered the submissions advanced on behalf of the petitioner as well as the State of Bihar. The petitioner in this case would fall in the category of a 'victim'.

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22. On going through the entire materials available on the record, this Court has no iota of doubt that since lodging of the FIR on 14.08.2025, the State investigating agency did not show any urgency to investigate the matter. The involvement was that of the Excise Police Officials, the allegations were of causing brutal assault upon the son of the informant, rendering him unable to walk. The materials placed before this Court would reveal that the investigating agency did not think it just and proper to record the statement of the local witnesses within a reasonable time. Statement of the material witnesses were not got recorded before the Magistrate and only after hearing in the matter proceeded, the Officer-in-Charge, Bihiya Police Station, wrote a letter dated 14.05.2026 to the Assistant Commissioner, Excise and Prohibition, Ara seeking his permission to get the polygraph test of the suspects done. In its letter seeking permission from the Assistant Commissioner, Prohibition and Excise, the Station House Officer, Bihiya Police Station has recorded that the accused persons were trying to conceal the evidences. It is evident that for about nine months from the date of lodging of the FIR, no meaningful step was taken to interrogate the suspects and collect other scientific inputs.

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23. This Court is, therefore, of the considered opinion that in this case, the very credibility of the State investigating agency is at stake. Inaction writs large and the submission of learned counsel for the petitioner that because Excise Police Officials were involved in the case, therefore, the investigation of the case has been compromised and it has suffered bias, is based on reasons to belief, therefore, this Court is persuaded to agree with the submissions on behalf of the petitioner. Petitioner is himself present in Court and has submitted that a fair investigation into this matter may only be possible through an independent agency such as C.B.I.

24. While this Court understands that transfer of an investigation from State agency to the CBI need not be done in a routine manner and the constitutional power of this Court in directing CBI to conduct the investigation in a case must be exercised in exceptional circumstances, this Court is of the considered opinion that the present case would fall in the category of those rare and exceptional cases in which the lack of confidence in the State investigating agency has arisen for the obvious, tangible reasons. Two of the accused being ASIs were in a position to influence the investigation, they were posted at the same place, therefore well connected with the police officials of

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Bihiya and Jagdishpur police station, they did not allow the investigation to proceed. They kept the mobile phone of the detenue with themselves for several days without disclosure. The I.O. of this case neither seized the mobile phones of the suspect nor sent the mobile of the detenue to F.S.L. for scientific examination. In this case the investigation has not proceeded in a proper direction. Bias on the part of the State investigating agency may be clearly deduced from their inaction.

25. In the case of **K.V. Rajendran vs. Supt. of Police CBCID South Zone Chennai and Ors.** reported in **(2013) 12 SCC 480**, a three-judge Bench of the Hon'ble Supreme Court has stated the principles as under:-

> "**13.** ….. the power of transferring such investigation must be in rare and exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies….".

26. In the facts of the present case, we direct transfer of the investigation of Bihiya P.S. Case No. 296 of 2025 to the CBI (Respondent No. 10) forthwith. The Superintendent of Police,

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Bhojpur, shall ensure that all documents and materials pertaining to the present case are handed over to the Superintendent of Police, C.B.I., Patna, within one week from today.

27. The CBI (Respondent No. 10) is directed to take charge of the investigation of the case forthwith, with utmost urgency, keeping in mind that a young boy who was in the custody of the Excise police team of Jagdishpur has gone missing and his whereabouts is not known since evening of 13.08.2025. The allegations are that of his having been brutally assaulted by the Excise Police officials, whereafter he is not seen. The petitioner apprehends that his son has been done to death and his dead body has been made to disappear.

28. Needless to say that in course of investigation, the CBI would be within it's right to interrogate the police officials who were connected with the investigation of the case, in order to gather the entire facts and circumstances of the case in which the case was registered and remained under investigation without any significant progress. Such investigation would be independent. The Director, C.B.I. shall constitute a team of reputed offices to investigate the matter and submit a report within a reasonable time frame.

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29. No part of the observations of this Court shall be construed as any opinion of this Court on the subject matter of the investigation.

30. List this matter on 11.09.2026 at 2.15 PM.

31. The CBI (Respondent No. 10) shall submit the action taken report to this Court on or before the next date.

32. Let a copy of this order together with the complete brief of the case be handed over to learned counsel for the C.B.I. by tomorrow.

(Rajeev Ranjan Prasad, J)

(Alok Kumar Sinha, J)

Rishi/-

AFR/NAFR	AFR
CAV DATE	29.07.2026
Uploading Date	07.08.2026
Transmission Date	07.08.2026

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