

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.443 of 2025

Arising Out of PS. Case No.-1040 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Rana Rahul Ranjan, son of Ashok Singh, resident of village - Silari, P.O.-
Silari, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Department of Home through its Principal Secretary, Government of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Patna Division, Patna
5. The Additional Director General Of Police, C.I.D., Bihar, Patna Bihar
6. The Superintendent Of Police, Rohtas, Sasaram, Bihar
7. The Deputy Superintendent-cum- Investigating Officer, C.I.D., Bihar, Patna.
8. The S.H.O., Sasaram Town Police Station, Sasaram, Bihar
9. The Central Bureau of Investigation, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	S.C.20
For the C.B.I.	:	Mr. Manoj Kumar Singh, CGC Mr. Ankit Kumar Singh, Advocate Mr. Amarjeet, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

CAV JUDGMENT

Date : 30-07-2025

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Central Bureau
of Investigation (C.B.I.).

2. In this case, the petitioner has prayed for the
following reliefs: -

*“(i) To issue an appropriate writ, order or
direction in the nature of mandamus
commanding the Respondents to conduct
proper, fair, impartial and speedy
investigation in a time bound manner*



following the due process of law in Sasaram Town Model Police Station Case No.1040 of 2024, registered for the commission of offences punishable under sections 126(2), 115(2), 109, 103(1), 351(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023, and section 27 of the Arms Act.

(ii) To direct the C.I.D. to take evidence from the eye witnesses immediately and to arrest the accused police officer and his bodyguard as there is a specific allegation of murder against them.

(iii) To direct the learned Chief Judicial Magistrate, Sasaram, Rohtas, to monitor the investigation of the above-mentioned case properly, because in this case there is a specific allegation of shooting the petitioner's brother against a Police Officer (Deputy Superintendent of Police, Traffic) and his bodyguard.”

3. The present criminal writ petition emanates from an incident which is alleged to have taken place on the night of 27.12.2024 at about 10:00 P.M., in which the younger brother of the present petitioner was killed at the hands of the police officials.

4. In the present F.I.R. instituted by the petitioner/informant, it is alleged that on the night of 27.12.2024 at about 10:00 P.M. the younger brother of the petitioner and his friends were gathered in the courtyard of the dwelling house of



one Kalika Singh situated near '*Pir Baba*' courtyard in Sasaram to celebrate the birthday of their friend Sivam Singh. At that time, the Deputy Superintendent (Traffic) namely, Adil Bilal and his bodyguard namely, Chandramauli Nagia along with 3-4 unknown persons came to the said place and started enquiring and when the brother of the informant and his friends objected to the same, the aforesaid police officials threatened them and suddenly opened fired from the service revolver aiming at the brother of the informant and his friends. In the said firing, the brother of the petitioner died on spot and two friends of the brother of the informant namely, Atul Singh and Vinod Pal sustained serious injuries. It is also alleged that thereafter the Dy. S.P. threatened the other persons to implicate them in false and frivolous cases.

4.1. Lastly, it is alleged that that on the aforesaid night, the friends of the brother of the informant were consuming alcohol and this fact was in the knowledge of the Dy. S.P. who was present nearby at the place of occurrence in a van of traffic police station and therefore, he came there in order to extort money from the persons who were celebrating the birthday party which is the cause of the occurrence.

5. Apart from the allegations made in the F.I.R.,



it is the case of the petitioner that the informant has merely signed on the application based on which the present F.I.R. vide Sasaram Town P.S. Case No.1040 of 2024 was registered since he was compelled by the police officials and according to the petitioner, the contents of the aforesaid F.I.R. are not exactly the same as per the real/actual scenario.

6. It is the case of the petitioner that the real fact is that on the date of occurrence i.e. on 27.12.2024 some persons including Sudhir, Atul, Vikash, Aniket, Binod and Rana Om Prakash had gathered in the courtyard of the dwelling house of one Kalika Singh situated at Sasaram to celebrate the birthday of their friend and at around 10:00 P.M. in the night. Sivam and Tushar went to purchase some food items and when they returned, the Dy. S.P. (Traffic) and his bodyguard, without any authority, much less any lawful warrant, came to the said place in civil dress and started scolding, threatening and abusing them. The aforesaid Police Officers alleged that the persons present there were consuming alcohol, however when no illicit liquor was found at the place, the aforesaid police officials started demanding money and went on to threaten them to implicate in fake and frivolous criminal cases. When such demand for money was strongly objected by the said persons,



the police officers became violent and started firing from their service revolver and fled away. In the said firing, three persons namely, Om Prakash @ Badal, Atul Kashyap and Binod Pal sustained injuries and the injured were taken to the hospital where Om Prakash (brother of the petitioner) was declared dead.

7. According to the petitioner, the Dy. S.P. (Traffic)-Adil Bilal and his bodyguard, in order to establish and cement their defence and escape from liability, got two separate F.I.Rs registered, the *first* F.I.R was lodged on the basis of the *fardbeyan* of the bodyguard of the Dy. S.P. i.e. the present co-accused Chandramauli Nagia, which was registered as Sasaaram Town P.S. No.1038 of 2024 against unknown persons. It is the further case of the petitioner that after the aforesaid occurrence, in which the brother of the petitioner died, subsequently the bodyguard of the Dy. S.P namely, Chandramauli Nagiya @ Sonu, immediately reached the Sadar Hospital, Sasaram and called a Sub-Inspector namely, Bhagirath Kumar, who was posted at the same traffic Police Station and asked him to record his statement (*fardbeyan*), which was thereafter forwarded to Sasaram Town Police Station, in whose jurisdiction the incident had taken place. Based on the aforesaid *fardbeyan*, Sasaram Town P.S. Case No.1038 of 2024 was registered under sections



191(2), 190, 126(2), 115(2), 132, 121(2), 109, 125(a), 324(4) of the Bhartiya Nyaya Samhita, 2023 against unknown persons.

8. Learned counsel for the petitioner has adverted to the *fardbeyan* of the bodyguard of the Dy. S.P. namely, Chandramauli Nagia, based on which the Sasaram Town P.S. Case No. 1038 of 2024 was registered. The aforesaid *fardbeyan* reads as under:-

“Fardbayan of CT Chandra Mauli Nagiya age about 31 year son of Sh. Munna Raj at village-Darapur, PS- Mahnar Dist- Vaishali recorded by SI Bhagirath Kumar Traffic PS Sararam on dated 28-12-2024 at 00:15 AM on Sadar Hospital Sasaram near truma Center.

हमारा नाम सि० 717 चन्द्रमौली नागिया उम्र 31 वर्ष पिता श्री मुन्ना राय सा०-दारापुर थाना महार जिला-वैशाली है। मैं वर्तमान में रोहतास जिला बल पुलिस उपाधीक्षक महोदय यातायात रोहतास के अंगरक्षक के पद पर पदस्थापित हूँ। दिनांक 27.12.2024 को मैं पुलिस उपाधीक्षक महोदय यातायात के साथ ड्यूटी करते हुए समय करीब 22.20 बजे रात्रि करगहर मोड़ से पोस्ट ऑफिस चौक के तरफ जा रहे थे, तभी लगभग करगहर मोड़ से 50 मीटर आगे तो देखा की एक मोटर साईकिल पर दो व्यक्ति सवार है जो वहां पर खड़ी ट्रक एवं टोटो के चालक से काफी विवाद कर रहा था, जिसे देखकर पुलिस उपाधीक्षक महोदय सरकारी गाड़ी रोककर मुझे देखने को कहा, गाड़ी रुकते ही मोटरसाईकिल सवार व्यक्ति भागने लगे, इसपर पुलिस उपाधीक्षक महोदय बोले की लगता है कि ये संदिग्ध व्यक्ति है इसको पकड़ो इसपर मैं भाग रहे मोटर साईकिल सवार का पीछा किया तो मोटर-साईकिल पर सवार दोनों व्यक्ति बगल के एक कम्पाउण्ड के अंदर प्रवेश कर गये। मैं भी पीछा करते हुए कम्पाउण्ड के अंदर प्रवेश किया, पीछे से पुलिस उपाधीक्षक महोदय भी वहां आ गए। इसी क्रम में मैं मोटर-साईकिल सवार एक व्यक्ति को पकड़ लिया। कम्पाउण्ड के अंदर 20-25 की संख्या में लोग थे, जैसे ही मैं मोटर-साईकिल



पर सवार एक व्यक्ति को पकड़ा, अचानक 05-06 व्यक्ति मेरे उपर हमला कर दिये और मेरा सर्विस पिस्टल मुझे पटक कर छिनने लगे, तब मैं अपना सर्विस पिस्टल एक हाथ से पकड़ा और दुसरे हाथ से अपने-आप को बचाने का प्रयास करने लग गया, इसी खीचा-तानी में मेरे सर्विस पिस्टल से फायर हो गया, तब हमलावर पीछे हटे और पुलिस उपाधीक्षक महोदय यातायात रोहतास बोले की जल्दी यहां से हटो, जब मैं और पुलिस उपाधीक्षक महोदय वहां से निकलने लगे, तब कम्पाउण्ड में उपस्थित 20-25 व्यक्ति मेरे एवं पुलिस उपाधीक्षक महोदय के उपर ईट व पत्थर से जानलेवा हमला कर दिया। पत्थर से सरकारी गाड़ी के पीछे का शीशा टुट गया, इसी क्रम में पुलिस उपाधीक्षक महोदय के निर्देश पर बचने के उद्देश्य से एक हवाई फायर किया। तब जाकर हमलोग की जान बच पायी। हमला करने वाले उस कम्पाउण्ड के मालिक एवं उनके सहयोगी थे। जिन्हें मैं देखकर पहचान सकता हूं।

यही हमारा बयान है, मैं अपना बयान पढ़कर सुन व समझ लिया। सही पाकर अपना हस्ताक्षर बना दिया।

चन्द्रमौली नागिया

28/12/24

अंगरक्षक, यातायात

पुलिस उपाधीक्षक

रोहतास

9. It is the case of the petitioner that the *second* F.I.R came to registered on the self-statement of the Officer-in-charge of Sasaram Town Police Station under the provisions of the Bihar Prohibition and Excise Act, 2016, which was registered as F.I.R. in connection with Sasaram Town P.S. Case No.1039 of 2024 against the owner of the premises as well as unknown persons.

10. The petitioner has adverted to the typed self-statement of the Inspector-cum-S.H.O, Rajiv Ranjan Rai, based on which Sasaram Town P.S. Case No.1039 of 2024 was



registered, which reads as under:-

“Self Statement of Ins cum SHO Rajiv Ranjan Rai Sasaram Town PS on Dated 28.12.2024 at 05:15 Hrs at office of Sasaram Town PS.

मैं पु0नि0 राजीव रंजन राय, वर्तमान में सासाराम नगर थाना में पु0नि0 सह थानाध्यक्ष, के पद पर पदस्थापित हूं। आज दिनांक 28.12.2024 को समय करीब 05.15 बजे स्वयं का बयान टंकित करता हूं कि दिनांक 27.12.2024 को समय करीब 22:40 बजे सूचना मिली कि सासाराम नगर थानान्तर्गत करहगर मोड़ के पास कालिका सिंह का हाता में बर्थडे पार्टी मना रहे कुछ लोगों द्वारा यातायात पुलिस उपाधीक्षक आदिल बिलाल एवं उनके गार्ड पर हाथापाई कर पुलिस पर हमला किया गया एवं गोली फायर होने की घटना घटी है, जिसमें कुछ व्यक्ति जख्मी हो गये हैं। इस सूचना से वरीय पदाधिकारियों को अवगत कराते हुए मैं एवं मेरे साथ पु0अ0नि0 सुशंत कुमार, पु0अ0नि0 रामवृक्ष कुमार, पु0अ0नि0 रविरंजन गुप्ता, पु0अ0नि0 सेफू कुमारी, पु0अ0नि0 नीरज कुमार, पु0अ0नि0 पुजा कुमारी एवं महिला पुरुष सशस्त्र बल के साथ समय करीब 22:50 बजे थाना से घटनास्थल के लिए प्रस्थान किया। उपरोक्त पुलिस पदाधिकारियों एवं पुलिस बल के साथ समय करीब 23:05 बजे घटनास्थल करहगर मोड़ के पास कालिका सिंह का हाता के पास पहुंचा। घटनास्थल को पुलिस पदाधिकारी एवं पुलिस बल के सहयोग से घेरा बंदी कर घटनास्थल को सुरक्षित रखा गया तथा वरीय पदाधिकारी एवं एफ0एल0एल0 टीम को आने का इन्तजार किया जा रहा था एवं मेरे द्वारा थाना एवं थानाक्षेत्र में निगरानी रखी जा रही थी। अनुमंडल पदाधिकारी महोदय, सासाराम एवं अनुमंडल पुलिस पदाधिकारी महोदय सासाराम-2 एवं एफ0एस0एल0 की टीम तथा जिला पदाधिकारी महोदय द्वारा प्रतिनियुक्त दण्डाधिकारी के उपस्थिति में विडियोग्राफी कराते हुए घटनास्थली के आस पास के प्रदर्शों को फोरेंसिक विशेषज्ञ श्री प्रभात यादव द्वारा लिफ्टिंग व पैकिंग किया गया। तत्पश्चात फोरेंसिक विशेषज्ञ श्री प्रभात यादव सभी सामानों को लेते हुए यातायात थाना, सासाराम पहुंचे तथा यातायात पुलिस उपाधीक्षक मो0 आदिल बिलाल एवं सिपाही चन्द्रमौली नगिया का जी0एस0आर0 लिया गया। तत्पश्चात एफ0एस0एल0 टीम द्वारा लिफ्टिंग एवं पैकिंग किये गये सभी सामानों को मुझे थाना पर सौंपा गया, जिसे जप्ती सूची बनाकर जप्त किया गया, जो निम्न प्रकार है:-

1. एक उजला रंग का लिफाफा में बन्द शीशा का टुकड़ा (Exhibit Marked “A”) ।
2. एक उजला रंग का लिफाफा में बन्द Fired Bullet (खोखा) (Exhibit Marked “B”) ।
3. एक उजला रंग का लिफाफा में बन्द Fired Bullet



(खोखा) Labelled as KF-21 9mm (Exhibit Marked "C") ।

4. एक उजला रंग का लिफाफा में बन्द Fired Cartridge Labelled as KF-21 9mm (Exhibit Marked "D") ।

5. एक उजला रंग का लिफाफा में बन्द Fired Bullet Labelled as KF-21 9mm (Exhibit Marked "E") ।

6. एक उजला रंग का लिफाफा में बन्द Fired Bullet Labelled as KF-21 9mm (Exhibit Marked "F") ।

7. एक उजला रंग पेपर में लपेटा हुआ बोटल जिसपर Bacardi Limon glass bottal 375ml having Traces of watery Liquid (Exhibit marked "G")

8. एक उजला रंग का लिफाफा में बन्द glass bottal 375ml Labelled as Royal Stage having Traces of pale yellow Liquid (Exhibit marked "H")

9. एक उजला रंग का लिफाफा में बन्द Seal Pack Metallic Bottle Lable-Mix Fruit 250 ml (Exhibit Marked "I") ।

10. एक Metallic Cigar (Exhibit Marked "J") ।

11. एक उजला रंग का लिफाफा में बन्द तीन पीस Clay Chilam (Exhibit Marked "K") ।

12. एक उजला रंग का लिफाफा में बन्द Two Plastic Glass Having Some Pale Yellow Liquied Type Traces (Exhibit Marked "L") ।

13. एक उजला रंग का लिफाफा में बन्द Mobile Phone OPPO Light Sky Blue Color in on Condition (Exhibit Marked "M") ।

14. A Diary labeled as 2021 (Exhibit Marked "N") ।

15. एक उजला रंग का लिफाफा में बन्द Open Glass Bottal Labelled as Royal Stage 375 ML having Yello Liquid in Trace among and Two Metallic Open Bottle (Broken Seal) Labelled as jojonavi mix fruit 250 ml (Exhibit marked "O") ।

16. An Air Gun With Broken Wooden Part (Exhibit Marked "P") ।

17. Seven Open Glass Bottle Labled as Royal Stag 375 ml Having Vacant (Exhibit Marked "Q") ।

18. एक उजला रंग का लिफाफा में बन्द GSR Swab on Cotton Gauge Lifted From Right Hand of Md Aadil Bilal (Exhibit Marked "I") ।



19. एक उजला रंग का लिफाफा में बन्द GSR Swab on Cotton Gauge Lifted From Right Hand of Constable Chandra Mauli (Exhibit Marked “2”)।

All Exhibit are Lifted and Packed by Forensic Expert Mr. Prabhat Yadav, Rohtas District.

जप्ती का क्रम सं० 07, 08, 12, 15 में कुछ मात्रा शराब का जप्त किया गया है।

अतः बिहार में पूर्ण शराब बन्दी के बावजूद शराब का क्रय विक्रय परिवहन एवं भण्डारण करना संज्ञेय अपराध है, हाता मालिक एवं अन्य अज्ञात के विरुद्ध उक्त आरोप में आरोपित करते हुए प्राथमिकी दर्ज की जाती है।

विश्वासभाजन

ह०—

28/12/24

पु०नि०—सह—थानाध्यक्ष

सासाराम नगर थाना।”

11. It is the case of the petitioner that both the aforementioned F.I.Rs. are merely a pre-emptive attempt by the Police to distort the actual incident and delay the registration of the F.I.R. for the actual incident of firing which has taken place in the night of 27.12.2024 at about 10:00 P.M. Finally, the version of the petitioner/informant was registered on 28.12.2024 at 07:30AM as Sasaram Town P.S. Case No.1040 of 2024 under sections 126(2), 115(2), 109, 103(1), 351(2)(3)(5) of the Bhartiya Nyaya Samhita, 2023 and section 27 of the Arms Act i.e. only after registration of the aforementioned two F.I.Rs. of the police officials but according to the petitioner even in the present F.I.R. the true and actual facts has not been mentioned since the Police itself prepared the application and thereafter



compelled the petitioner/informant to put his signature on the aforesaid application based on which Sasaram Town P.S. Case No.1040 of 2024 was registered. The application of the petitioner, based on which, the present F.I.R. has been registered reads as under: -

“ सेवा में,

थानाध्यक्ष महोदय

सासाराम नगर थाना।

विषय: प्राथमिकी दर्ज करने के संबंध में।

महाशय,

मैं राणा राहुल रंजन पिता-अशोक सिंह उम्र 38 वर्ष पता ग्राम+पो. सिलारी थाना. शिवसागर जिला. रोहतास आज दिनांक 28.12.2024 को निम्नलिखित बयान अंकित करता हूं कि कल रात दिनांक 27.12.24 को लगभग रात्रि 10 बजे पीरबाबा सासाराम के पास अवस्थित हाता जो हरि जी के हाता के नाम से जाना जाता है मैं मेरा भाई राणा ओम प्रकाश उर्फ बादल अपने मित्रों के साथ रात्रि भोज कर रहे थे तभी अचानक यातायात थाना के डि.एस.पी. मोहम्मद आदिल बिलाल अपने अंगरक्षकों जिसमें एक सोनू एवं 3,4 अज्ञात के साथ अंदर हाता में प्रवेश किए और हमारे रात्रि भोज जो कि मेरे भाई के मित्र शिवम सिंह का जन्मदिन का पार्टी था के संदर्भ में सवाल जवाब करने लगे हमारे विरोध पर धमकी देते हुए मारपीट करने लगे, हमारे विरोध करने पर कहने लगे कि एक मिनट में होश ठंडा कर देंगे और अचानक अपने सर्विस रिवोल्वर निकालकर एका-एक 6 राउंड मेरे भाई एवं उसके मित्रों पर निशाना साधते हुए गोली चला दिया, जिस क्रम में हमारे भाई कि घटनास्थल पर मृत्यु हो गयी जबकि एक अन्य मित्र अतुल सिंह के हाथ में गम्भीर चोट लगी जबकि एक अन्य मित्र विनोद के भी माथे में गम्भीर चोट लगी है। अभियुक्त डि.एस.पी. द्वारा बाकि अन्य लोगों को धमकी दिया कि तुम लोगों को झूठे मुकदमा में फंसा कर जिंदगी बर्बाद कर देंगे।

उल्लेखनीय है कि रात्रि भोज के दौरान मेरे भाई के कुछ मित्र शराब का सेवन कर रहे थे जिसकी जानकारी वहां खड़े यातायात थाना के वैन में बैठे डि.एस. पी. यातायात थाना सासाराम को था जो वहां इस आड़ में अवैध वसुली करने के उद्देश्य से प्रवेश किए थे और इसी



क्रम में घटना को अंजाम दिया।

अतः श्रीमान से प्रार्थना है कि उपरोक्त विषय का संज्ञान लेकर अभियुक्तगणों पर उचित कानूनी कार्रवाई कि जाए जिसे हमें न्याय मिल सकें।

आपका विश्वासी

sd-Rana Rahul Ranjan

V+P- Silari

P.S- Shiv Sagar

Dist- Rohtas”

12. As per the petitioner, the delay in lodging his F.I.R. was caused deliberately only with a view to register the two aforementioned F.I.Rs prior in time in order to justify the acts of firing where one person i.e. the brother of the petitioner was killed and two other persons were injured.

13. The petitioner has categorically pointed that all the three aforesaid F.I.Rs are connected to the same occurrence and the events that allegedly unfolded in the house of one Kalika Singh situated at Sasaram on the night of 27.12.2024. It is submitted and reiterated by the petitioner that after the alleged murder of the brother of the petitioner, the *first* F.I.R viz. Sasaram Town P.S. Case No.1038 of 2024 was registered on the basis of the *fardbeyan* of the bodyguard of the Dy. S.P., who is accused in the present case and the same was registered against unknown persons. The *second* F.I.R. viz. Sasaram Town P.S. Case No. 1039 of 2024 was registered on the basis of the self-statement of the S.H.O of the Sasaram Town



Police Station and lastly the *third* and the present F.I.R was registered as Sasaram Town P.S. Case No.1040 of 2024. It is vehemently submitted by the learned counsel that the act of lodging these two F.I.Rs. where the informants are police officials themselves is a clear and blatant exercise of arbitrary police powers, which has been done in order to mislead and distort the investigation and provide an escape route for the actual accused persons.

14. The writ petitioner has thereafter pointed out that on account of growing voices among the general public against the brutal atrocities committed by the Police, the case was referred to Crime Investigation Department (C.I.D) on 04.01.2025, however, not a single step has been taken to properly and thoroughly investigate the case till date and the C.I.D. has not acted fairly since on the night of occurrence, the incident was witnessed by several eye-witnesses, however, the investigating agency has failed to record their statements, only with a view to prolong and render the case of the prosecution otiose. It is emphasised, that the deliberate delay in properly investigating the case amounts to waiting for the evidence to be destroyed or to the least deteriorate the quality and probative value of evidence with the efflux of time in order benefit the



present accused persons.

15. It is submitted by the learned counsel for the petitioner that the present accused police officers in blatant display of misuse of police powers entered into the dwelling residence of Kalika Singh, demanded money, threatened the persons present to implicate them in false and frivolous cases and when such demands were not acceded to, they started abusing the persons and also started arbitrarily firing, during which the brother of the petitioner lost his life. Despite such serious allegations including that of murder, it is submitted that the accused police officers are completely free and constantly trying to destroy the evidence.

16. It is argued by the learned counsel for the petitioner that the present accused persons solely on the ground of being police officials themselves, are able to not only unduly protract the investigation but are also in effect being shielded from the consequences of their brutality. It is also further submitted by the learned counsel for the petitioner that the petitioner had requested the concerned authorities at several levels, i.e., the D.G.P, Bihar and the National Human Rights Commission, to ensure fair and just investigation, however all such requests, have fallen on deaf ears. Lastly, the learned



counsel has argued that it is clear from the facts and circumstances of the case that the present is a clear case of police atrocities.

17. An interlocutory application No. 01 of 2025 was moved on behalf of the petitioner for impleading the C.B.I. as a party respondent in the present case and also to direct the C.B.I. to conduct the investigation of Sasaram Town P.S. Case No.1040 of 2024. This Court vide order dated 23.06.2025 has allowed the aforesaid interlocutory application to the extent of impleading the C.B.I. as party respondent no.9.

18. Pursuant to the order of this Court, a status report detailing the progress of investigation has been submitted on behalf of the respondent-State stating therein that total three F.I.Rs. were registered in connection with the present incident which had occurred in the night of 27.12.2024 at "*Kalika Singh Ka Hata*", near *Kargahar More*, which falls under the jurisdiction of Sasaram Town Police Station. It has also been stated that on the basis of the *fardbeyan* of Constable-717, Chandramouli Nagiya, the bodyguard of the Dy. S.P., the Sasaram Town P.S. Case No.1038 of 2024 dated 28.12.2024 was registered at 01:45 A.M. against unknown persons. The informant of the aforesaid case has alleged that on 27.12.2024 at



around 10:20 P.M., he along with Md. Adil Bilal, the Deputy Superintendent of Police (Traffic), Rohtas, were going from *Kargahar More* towards post office and there they saw two persons riding on a motorcycle who were arguing with truck driver and Toto driver. Finding the said two persons suspicious, the Dy. S.P. directed the informant to enquire about the quarrel and accordingly, the informant approached the aforesaid two persons, upon seeing the informant, they fled towards a nearby compound. On this, the informant and the Dy. S.P. chased those motorcycle riders and entered the said compound where they saw 20-25 persons present inside the premises. In this sequence, the informant caught one of the motor-cycle riders, but was attacked by 5-6 persons, who tried to snatch his service revolver after throwing him on the floor. Thereafter, the informant got hold of his service pistol with one hand and kept on trying to save himself. In this scuffle, shot got fired from the service pistol of the informant and after that, the attackers retreated. On this, the informant and Dy. S.P. tried to leave the place but the situation escalated as the persons present there started pelting stones and bricks, due to which the rear glass of the Government vehicle broke. The informant fired a round in the air on the direction of the Dy. S.P. as an act of self-defence. The informant



also alleges that the attackers were the owner of the compound and the associates of the owner of the aforesaid compound, whom the informant can identify.

19. It has also been stated in the status report that Town (Sasaram) P.S. Case No.1039 of 2024 was registered against Kalika Singh, the owner of the said premises and other unknown persons on 28.12.2024 at 6:45 A.M. under section 30(a) of the Bihar Prohibition & Excise Act on the basis of self-statement of Rajeev Ranjan Rai, Police Inspector -cum - SHO, Town (Sasaram) Police Station alleging recovery of illicit liquor from the premises.

20. It has next been stated in the report that Town (Sasaram) P.S. Case No. 1040 of 2024 was registered at 7:30 AM on 28.12.2024 under sections 126(2), 115(2), 109, 103(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita and under section 27 of the Arms Act against unknown persons, the bodyguard of the Dy. S.P, Chandramauli Nagia and the Dy. S.P - Md. Adil Bilal, based on a written statement of the petitioner in the present case. In the aforesaid F.I.R., it has been alleged that on 27.12.2024 at around 10:00 P.M., Rana Om Prakash @ Badal, brother of the petitioner, was having dinner with his friends at the place of occurrence nearby *Peer Baba*, during birthday



celebration of one Shivam Singh. At that time, Dy. S.P. Md. Adil Bilal, his bodyguards and 3-4 unknown persons allegedly entered in the *Hata* and started enquiring about the gathering. Upon protest by the informant, suddenly the police officers fired six rounds from their service revolver aiming on his brother and his friends. In the said firing, the brother of the informant died on the spot and two others were seriously injured. Thereafter, the Dy. S.P. threatened the remaining persons that he will destroy their lives by implicating them in false cases. It has also been alleged in the written statement of the informant, based on which the said F.I.R. was registered, that during dinner the friends of his brother were consuming liquor and the Dy. S.P. knew about the same and had entered into the compound with the object of illegal extortion and executed the incident in this sequence.

21. It has also been stated that initially the investigation of these three cases was being conducted by Rohtas Police. The District Magistrate, Rohtas deputed an Executive Magistrate for conducting the inquest of the deceased and the same was conducted on 28.12.2024. Thereafter, a duly constituted Medical Board of three doctors conducted the postmortem of the deceased Rana Om Prakash @ Badal on



28.12.2024. The postmortem report has revealed a lacerated wound over the left side of upper chest. The size of entry wound was about 1.5 cm. in diameter and chest cavity deep. Another lacerated wound of margin inverted size of about 2 cm. in diameter over right side of medial border of scapula, which was the wound of exit after protruding and both the wounds were communicating with each other. As per the postmortem report, the cause of death was 'Haemorrhage and shock caused by firearm injury leading to cardio-respiratory arrest'. Furthermore, the viscera report dated 02.05.2025 confirmed the presence of ethyl alcohol, suggesting consumption of liquor by the deceased and others at the time of the incident.

22. It has also been stated that after transferring the investigation to the C.I.D. Bihar, the D.I.G., C.I.D. Bihar visited the place of occurrence along with the team of the F.S.L. and the experts of the State Photo Bureau and prepared preliminary sketch of the crime scene and also visited the village - Silari, Shivsagar and examined the available witnesses.

23. It has also been stated in the report that though in the F.I.R. lodged by the petitioner he has alleged that two friends of his brother sustained injuries but they did not appear at the police station to report their injuries and hence no



injury slips were issued. Further, the injured Atul Kumar Kashyap was treated at a private hospital namely, Popular Hospital, Varanasi and the injury report issued by the aforesaid hospital indicates that the injury is "simple, probably by firearm", however, the status report further states that the doctor issuing the said injury report did not mention as to how the conclusion was arrived at. Similarly, the other injured namely, Vinod Pal got treated at Narayan Medical College, Sasaram and the injury report issued did not clarify the nature of his injury.

24. The status report adverts to the statement of Shivam Singh, who stated that Atul Kashyap had chased and pelted stones at the police vehicle of Dy. S.P. and the CCTV footage also shows that someone threw something at the police vehicle near the place of occurrence. The status report also mentions that the informant/petitioner himself had stated in the F.I.R. that the friends of his brother were consuming liquor and this fact also came in the chemical examination of the seized exhibits from the place of occurrence. The status report, based on the aforesaid, together with the viscera report of the deceased, mentions that the deceased and his friends were consuming liquor at the place of occurrence.

25. The report further mentions that earlier also



in Mufassil (Sasaram) P.S. Case No.50 of 2022, a charge sheet no.143 of 2023 under sections 147, 149, 341, 323, 354B, 427, 504, 506 I.P.C. and under sections 37(b)(c) the Bihar Prohibition and Excise Act was submitted against Shivam Kumar, Aniket Raj and three others, whereas another accused by the name of "Badal" remained unverified.

26. Further the status report mentions that the petitioner/informant has claimed that the gathering was for celebrating the birthday of Shivam Singh however, the mark-sheet of Senior Secondary School Examination of said Shivam Singh indicates his date of birth as 15.05.2002 i.e. not in the month of December when the incident had occurred. The report further mentions that the place of occurrence is a *Gair Majurua Kharij Jamadar* land and was under illegal possession of said Kalika Singh and six others. Thus, the persons at the place of occurrence on the day of incident had assembled with some other motive. Thereafter, the team of FSL experts visited and reconstructed the scene of crime in the presence of the relatives of the deceased and issued the report. In the said report of reconstruction of scene of crime, it has come that the range of firing was 'near contact' due to which the deceased died.

27. The status report further mentions that as per



the FSL report concerning the reconstruction of the scene of crime, at least five rounds of firing occurred, four within the compound and one in the adjacent lane. The FSL report confirmed that all five spent shells were fired from the same 9 mm. regular pistol.

28. The report further mentions that the statement of 23 witnesses including the petitioner have been recorded and seven eye witnesses including two injured persons have been recorded so far. Further, the Call Details Record confirms the presence of the deceased at the place of occurrence and ten vehicles were seized from the place of occurrence. Lastly, the report mentions that the prayer of the petitioner to arrest the accused police personnel immediately is against the settled position of law as it needs to be established as to whether it is a case of self defence or a motivated action.

29. I have considered the submissions of the parties and perused the materials on record.

30. The admitted facts in this case are that one person has been killed and two other persons have been injured while they had gathered at the place of occurrence. The allegation of firing is against one Md. Adil Bilal, Dy. S.P. (Traffic) who is alleged to have fired unprovoked. Two more



F.I.Rs. have been registered prior to the F.I.R. lodged by the petitioner, one by the bodyguard of the Dy. S.P. and another by the local S.H.O. which goes to show that admittedly the occurrence had taken place and *prima facie* it appears that the police is trying to shield the Dy. S.P. who is alleged to have fired at the deceased. Several eye witnesses were present at the scene of offence and witnessed the incident of firing, whom the police is trying to discredit. For the present purpose, it is immaterial whether the compound (*hata*) where the occurrence took place is under illegal possession of said Kalika Singh and his associates or not.

31. In the F.I.R. lodged on 28.12.2024 at 7:30 A.M. by the present petitioner, it has been alleged that total six rounds were fired, in which the brother of the petitioner died on the spot. However, the *fardebayan* of the bodyguard of the Dy. S.P. which is recorded on 28.12.2024 at 00:15 A.M. indicates that during scuffle, shot was fired and thereafter on the direction of the Dy. S.P., apparently in self-defence, during retreat one air shot was fired. Whereas, the third F.I.R. lodged by the S.H.O. of local police station on his self statement recorded on 28.12.2024 at 05:15 A.M. adverts to the seizure of four fired bullets and one fired cartridge. Further, in the status report, it has been stated



that in the F.S.L. report of reconstruction of scene of crime, at least four rounds of firing took place inside the compound and at least one round of firing took place inside the adjacent lane and all the five fired shells recovered from the place of occurrence had been fired from the same regular pistol of 9 mm. Calibre.

32. The F.I.R. lodged at the instance of the bodyguard of the Dy. S.P. and the S.H.O. of local police station *prima facie* appears to be a preemptive attempt in order to take control of the narrative and distort the direction of investigation. The police cannot rush to file a skewed / one sided version and thereby preempt the version of the victim. In the present case, *prima facie* it appears that the police right from the very beginning is trying to falsify the case lodged by the petitioner about the murder of his brother.

33. In the present case, the police officials themselves are accused. It is not out of place to find merit in the submission of the petitioner that the incident needs to be thoroughly investigated to uncover the truth. It is imperative to ensure that the ends of justice are met by uncovering the real truth by a competent, credible, unbiased and uninterested body of personnel like C.B.I.



34. The Hon'ble Supreme Court in the case of ***Rubabbuddin Sheikh vs. State of Gujarat & Ors.*** reported as ***(2010) 2 SCC 200*** while exercising epistolary jurisdiction on the letter written by the brother of the victim in a fake encounter has held as follows:-

“51. Having heard the learned Senior Counsel appearing for the parties and after going through the eight action taken reports submitted by the police authorities before this Court and after considering the decisions of this Court cited at the Bar and the materials on record and considering the nature of offence sought to be investigated by the State police authorities who are themselves involved in such crime, we are unable to accept that the investigation at this stage cannot be handed over to the CBI Authorities or any other independent agency. We have already discussed the decisions cited by Mr Mukul Rohatgi, learned Senior Counsel appearing for the State of Gujarat and have already distinguished the said cases and came to a conclusion that those decisions were rendered when CBI enquiries have already been made and at that stage this Court held that after the charge-sheet is submitted, the CBI Authorities would not be able to approach this Court or the High Court to have issuance of directions from this Court.

52. In ***R.S. Sodhi v. State of U.P. [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248 : AIR 1994 SC***



38] on which reliance was placed by the learned Senior Counsel appearing for the writ petitioner, this Court observed: (SCC pp. 144-45, para 2)

“2. ... We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility. However faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the investigation to the Central Bureau of Investigation....”

This decision clearly helps the writ petitioner for handing over the investigation to the CBI Authorities or any other independent agency.

53. It is an admitted position in the present case that the accusations are directed against the local police personnel in which the high police



officials of the State of Gujarat have been made the accused. Therefore, it would be proper for the writ petitioner or even the public to come forward to say that if the investigation carried out by the police personnel of the State of Gujarat is done, the writ petitioner and their family members would be highly prejudiced and the investigation would also not come to an end with proper finding and if investigation is allowed to be carried out by the local police authorities, we feel that all concerned including the relatives of the deceased may feel that investigation was not proper and in that circumstances it would be fit and proper that the writ petitioner and the relatives of the deceased should be assured that an independent agency should look into the matter and that would lend the final outcome of the investigation credibility however faithfully the local police may carry out the investigation, particularly when the gross allegations have been made against the high police officials of the State of Gujarat and for which some high police officials have already been taken into custody.

54. It is also well known that when police officials of the State were involved in the crime and in fact they are investigating the case, it would be proper and interest of justice would be better served if the investigation is directed to be carried out by the CBI Authorities, in that case CBI Authorities would be an appropriate



authority to investigate the case.

55. In **Ramesh Kumari v. State (NCT of Delhi)** [(2006) 2 SCC 677: (2006) 1 SCC (Cri) 678], this Court at para 8 observed: (SCC p. 681)

“8. ... We are also of the view that since there is allegation against the police personnel, the interest of justice would be better served if the case is registered and investigated by an independent agency like CBI.”

56. In **Kashmeri Devi v. Delhi Admn.** [1988 Supp SCC 482: 1988 SCC (Cri) 864: AIR 1988 SC 1323] this Court held that in a case where the police had not acted fairly and in fact acted in partisan manner to shield real culprits, it would be proper and interest of justice will be served if such investigation is handed over to the CBI Authorities or an independent agency for proper investigation of the case. In this case, taking into consideration the grave allegations made against the high police officials of the State in respect of which some of them have already been in custody, we feel it proper and appropriate and in the interest of justice even at this stage, that is, when the charge-sheet has already been submitted, the investigation shall be transferred to the CBI Authorities for proper and thorough investigation of the case.

57. In **Kashmeri Devi** 1988 Supp SCC 482, this Court also observed as follows: (SCC p. 484, para 7)

“7. Since according to the respondents



charge-sheet has already been submitted to the Magistrate we direct the trial court before whom the charge-sheet has been submitted to exercise his powers under Section 173(8) CrPC to direct the Central Bureau of Investigation for proper and thorough investigation of the case. On issue of such direction the Central Bureau of Investigation will investigate the case in an independent and objective manner and it will further submit additional charge-sheet, if any, in accordance with law.”

58. In *Gudalure M.J. Cherian* [(1992) 1 SCC 397], *in that case also the charge-sheet was submitted but in spite of that, in view of the peculiar facts of that case, the investigation was transferred from the file of the Sessions Judge, Moradabad to the Sessions Judge, Delhi. In spite of such fact that the chargesheet was filed in that case, this Court directed CBI to hold further investigation in spite of the offences committed. In this case at p. 400 this Court observed: (SCC para 7)*

“7. ... The investigation having been completed by the police and charge-sheet submitted to the court, it is not for this Court, ordinarily, to reopen the investigation specially by entrusting the same to a specialised agency like CBI. We are also conscious that of late the demand for CBI investigation even in police cases



is on the increase. Nevertheless—in a given situation, to do justice between the parties and to instil confidence in the public mind—it may become necessary to ask CBI to investigate a crime. It only shows the efficiency and the independence of the agency.”

59. *In this connection, we may reiterate the decision of this Court in **Punjab & Haryana High Court Bar Assn. (1994) 1 SCC 616** strongly relied on by the learned Senior Counsel appearing for the writ petitioner. A reference of the paragraph of the said decision on which reliance could be placed has already been made in para 35 from which it would be evident that in order to do complete justice in the matter and to instil confidence in the public mind, this Court felt it necessary to have investigations through the specialised agency like CBI.*

60. *Therefore, in view of our discussions made hereinabove, it is difficult to accept the contentions of Mr Rohatgi, learned Senior Counsel appearing for the State of Gujarat that after the charge-sheet is submitted in the court in the criminal proceeding it was not open for this Court or even for the High Court to direct investigation of the case to be handed over to CBI or to any independent agency. Therefore, it can safely be concluded that in an appropriate case when the court feels that the investigation by the police authorities is not in the proper direction and in order to do*



complete justice in the case and as the high police officials are involved in the said crime, it was always open to the court to hand over the investigation to the independent agency like CBI. It cannot be said that after the charge-sheet is submitted, the court is not empowered, in an appropriate case, to hand over the investigation to an independent agency like CBI.

61. Keeping this discussion in mind, that is to say, in an appropriate case, the court is empowered to hand over the investigation to an independent agency like CBI even when the charge-sheet has been submitted, we now deal with the facts of this case whether such investigation should be transferred to the CBI Authorities or any other independent agency in spite of the fact that the charge-sheet has been submitted in court. On this ground, we have carefully examined the eight action taken reports submitted by the State police authorities before us and also the various materials produced and the submissions of the learned counsel for both the parties.

... ..

80. We have already discussed the decisions cited from the Bar on the question that after the charge-sheet being filed whether the investigation could be handed over to the CBI Authorities or to any other independent agency from the State police authorities. We have already distinguished the decisions cited by the



State that they related to the power of the court to monitor the investigation after the charge-sheet was filed. The scope of this order, however, cannot deal with the power of this Court to monitor the investigation, but on the other hand in order to make sure that justice is not only done, but also is seen to be done and considering the involvement of the State police authorities and particularly the high officials of the State of Gujarat, we are compelled even at this stage to direct the CBI Authorities to investigate into the matter. Since the high police officials of the State of Gujarat are involved and some of them had already been in custody, we are also of the view that it would not be sufficient to instil confidence in the minds of the victims as well as of the public that still the State police authorities would be allowed to continue with the investigation when allegations and offences were mostly against them.

81. In the present circumstances and in view of the involvement of the police officials of the State in this crime, we cannot shut our eyes and direct the State police authorities to continue with the investigation and the charge-sheet and for a proper and fair investigation, we also feel that CBI should be requested to take up the investigation and submit a report in this Court within six months from the date of handing over a copy of this judgment and the records relating to this crime to them.” (emphasis supplied).



35. In the case of *State of West Bengal & Ors. vs. Committee For Protection Of Democratic Rights, West Bengal & Ors.* reported as (2010) 3 SCC 571, the Hon'ble Supreme Court has held as follows:-

“Conclusions

68. *Thus, having examined the rival contentions in the context of the constitutional scheme, we conclude as follows:*

... ..

(vii) When the Special Police Act itself provides that subject to the consent by the State, CBI can take up investigation in relation to the crime which was otherwise within the jurisdiction of the State police, the Court can also exercise its constitutional power of judicial review and direct CBI to take up the investigation within the jurisdiction of the State. The power of the High Court under Article 226 of the Constitution cannot be taken away, curtailed or diluted by Section 6 of the Special Police Act. Irrespective of there being any statutory provision acting as a restriction on the powers of the Courts, the restriction imposed by Section 6 of the Special Police Act on the powers of the Union, cannot be read as restriction on the powers of the constitutional courts. Therefore, exercise of power of judicial



review by the High Court, in our opinion, would not amount to infringement of either the doctrine of separation of power or the federal structure.

69. *In the final analysis, our answer to the question referred is that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution, to CBI to investigate a cognizable offence alleged to have been committed within the territory of a State without the consent of that State will neither impinge upon the federal structure of the Constitution nor violate the doctrine of separation of power and shall be valid in law. Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealously and vigilantly.” (emphasis supplied)*

36. In *Narmada Bai vs. State of Gujarat & Ors.*

reported as (2011) 5 SCC 79, the Hon’ble Supreme Court has held as follows:-

“59. *It is not in dispute that it is the age-old maxim that justice must not only be done but must be seen to be done. The fact that in the case of murder of an associate of Tulsiram Prajapati, senior police officials and a senior politician*



were accused may shake the confidence of public in investigation conducted by the State police. If the majesty of the rule of law is to be upheld and if it is to be ensured that the guilty are punished in accordance with law notwithstanding their status and authority which they might have enjoyed, it is desirable to entrust the investigation to CBI.”

37. The Hon’ble Supreme Court in the case of *Subrata Chatteraj vs. Union of India & Ors.* reported as (2014) 8 SCC 768, has observed that transfers have been ordered by this Court even in cases where the family members of the victim killed in a firing incident had expressed apprehensions about the fairness of the investigation and prayed for entrusting the matter to a credible and effective agency like CBI. Further, in the case of *Mithilesh Kumar Singh vs. State Of Rajasthan & Ors.* reported as (2015) 9 SCC 795, three Judges Bench of the Hon’ble Supreme Court has held as follows:-

“11. Such being the importance of fair and proper investigation, this Court has in numerous cases arising out of several distinctly different fact situations exercised its power of transferring investigation from the State / jurisdictional police to the Central Bureau of Investigation under the Delhi Police Establishment Act. There was mercifully no challenge to the power



of this Court to direct such a transfer and in my opinion rightly so as the question whether this Court has the jurisdiction to direct transfer stands authoritatively settled by the Constitution Bench of this Court in State of W.B. v. Committee for Protection of Democratic Right.

....

15. *Suffice it to say that transfers have been ordered in varied situations but while doing so the test applied by the Court has always been whether a direction for transfer, was keeping in view the nature of allegations, necessary with a view to making the process of discovery of truth credible. What is important is that this Court has rarely, if ever, viewed at the threshold the prayer for transfer of investigation to CBI with suspicion. There is no reluctance on the part of the Court to grant relief to the victims or their families in cases, where intervention is called for, nor is it necessary for the petitioner seeking a transfer to make out a cast-iron case of abuse or neglect on the part of the State Police, before ordering a transfer. Transfer can be ordered once the Court is satisfied on the available material that such a course will promote the cause of justice, in a given case.*
16. *In the case at hand, circumstances leading to the death of young college student girl have become the subject-matter of investigation. The issue is sensitive not only because of loss of an invaluable human life but also because of the*



reasons which are sought to be attributed for the sordid affair. The circumstances which the petitioner has referred to in the writ petition and the written submissions as also the contentions that were urged before us in the course of the hearing may or may not be conclusive in their import but those circumstances need to be suitably looked into by an independent investigating agency like CBI lest an incomplete, indifferent or ineffective investigation leads to failure of justice.

... ..

22. *It is true that the prayer for transfer of investigation from the State Police to CBI can be allowed only in rare and exceptional circumstances when fair investigation by the State Police does not inspire confidence on account of any external influence or otherwise as held in State of W.B. v. Committee for Protection of Democratic Rights [(2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] . There can be no cast-iron parameters and whether an exceptional situation has arisen may be determined by the Court by taking an overview of the fact situation of a particular case. In the present case, we do not consider it necessary to blame the college authorities or the local police but we are also unable to reject the apprehension of the petitioner and his prayer for transfer of investigation. The death of a young girl student has taken place in*



mysterious circumstances. According to the petitioner, the statement of the girl was not recorded even though it could have been done and thus, truth has not come out. In these circumstances, without expressing any opinion on merits, it will be appropriate that the matter is investigated by CBI.” (emphasis supplied)

38. In *Pooja Pal vs. Union of India & Ors.* reported as *(2016) 3 SCC 135*, the Hon’ble Supreme Court has held as follows:-

“81. The judicially propounded propositions on the aspects of essentiality and justifiability for assignment of further investigation or reinvestigation to an independent investigating agency like CBI, whether or not the probe into a criminal offence by the local/State Police is pending or completed, irrespective of as well, the pendency of the resultant trial have concretised over the years, applicability whereof, however, is contingent on the factual setting involved and the desideratum for vigilant, sensitised and even-handed justice to the parties.

82. The exhaustive references of the citations seemingly repetitive though, assuredly attest the conceptual consisting in the expositions and enunciations on the issue highlighting the cause of justice as the ultimate determinant for the course to be adopted.

83. A “speedy trial”, albeit the essence of the



fundamental right to life entrenched in Article 21 of the Constitution of India has a companion in concept in “fair trial”, both being inalienable constituents of an adjudicative process, to culminate in a judicial decision by a court of law as the final arbiter. There is indeed a qualitative difference between right to speedy trial and fair trial so much so that denial of the former by itself would not be prejudicial to the accused, when pitted against the imperative of fair trial. As fundamentally, justice not only has to be done but also must appear to have been done, the residuary jurisdiction of a court to direct further investigation or reinvestigation by any impartial agency, probe by the State Police notwithstanding, has to be essentially invoked if the statutory agency already in charge of the investigation appears to have been ineffective or is presumed or inferred to be not being able to discharge its functions fairly, meaningfully and fructuously. As the cause of justice has to reign supreme, a court of law cannot reduce itself to be a resigned and a helpless spectator and with the foreseen consequences apparently unjust, in the face of a faulty investigation, meekly complete the formalities to record a foregone conclusion. Justice then would become a casualty. Though a court's satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or reinvestigation,



submission of the charge-sheet ipso facto or the pendency of the trial can by no means be a prohibitive impediment. The contextual facts and the attendant circumstances have to be singularly evaluated and analysed to decide the needfulness of further investigation or reinvestigation to unravel the truth and mete out justice to the parties. The prime concern and the endeavour of the court of law is to secure justice on the basis of true facts which ought to be unearthed through a committed, resolved and a competent investigating agency.

84. *As every social order is governed by the rule of law, the justice dispensing system cannot afford any compromise in the discharge of its sanctified role of administering justice on the basis of the real facts and in accordance with law. This is indispensable, in order to retain and stabilise the faith and confidence of the public in general in the justice delivery institutions as envisioned by the Constitution.*
85. *As succinctly summarised by this Court in Committee for Protection of Democratic Right [State of W.B. v. Committee for Protection of Democratic Rights, the extraordinary power of the constitutional courts in directing CBI to conduct investigation in a case must be exercised sparingly, cautiously and in exceptional situations, when it is necessary to provide credibility and instil confidence in investigation or where the incident may have national or international ramifications or*



where such an order may be necessary for doing complete justice and for enforcing the fundamental rights. In our comprehension, each of the determinants is consummate and independent by itself to justify the exercise of such power and is not interdependent on each other.

86. *A trial encompasses investigation, inquiry, trial, appeal and retrial i.e. the entire range of scrutiny including crime detection and adjudication on the basis thereof. Jurisprudentially, the guarantee under Article 21 embraces both the life and liberty of the accused as well as interest of the victim, his near and dear ones as well as of the community at large and therefore, cannot be alienated from each other with levity. It is judicially acknowledged that fair trial includes fair investigation as envisaged by Articles 20 and 21 of the Constitution of India. Though well-demarcated contours of crime detection and adjudication do exist, if the investigation is neither effective nor purposeful nor objective nor fair, it would be the solemn obligation of the courts, if considered necessary, to order further investigation or reinvestigation as the case may be, to discover the truth so as to prevent miscarriage of the justice. No inflexible guidelines or hard-and-fast rules as such can be prescribed by way of uniform and universal invocation and the decision is to be conditioned to the attendant facts and circumstances,*



motivated dominantly by the predication of advancement of the cause of justice.”

39. Recently, the Hon’ble Supreme Court in the case of ***Hansurabai & Anr. vs. State of Madhya Pradesh and Another*** reported as ***2025 SCC OnLine SC 1119*** has considered the various judgments to come to the conclusion as to when the Constitutional Courts can interfere and direct for investigation by an independent agency i.e. C.B.I. Paragraph nos. 25-30 of the aforesaid decision read as under:-

“25. It is settled a position of law that credibility of investigating agency should be impeachable. Further, the power to transfer investigations to a certain investigating agency must be sparingly used in the interest of justice and to maintain public trust on the institution. If the investigating agency is privy to the dispute, it may raise doubts on the credibility of investigation and thus, make out a ground to transfer the investigation. In this regard, gainful reference may be made to the decision of this Court in Narmada Bai v. State of Gujarat, wherein it was held as follows:

“61. In Mohd. Anis v. Union of India 1994 Supp (1) SCC 145, it has been observed by this Court that:

“5. ... Fair and impartial investigation by an independent agency, not involved in the controversy, is the demand of



public interest. If the investigation is by an agency which is allegedly privy to the dispute, the credibility of the investigation will be doubted and that will be contrary to the public interest as well as the interest of justice.” (SCC p. 148, para 5)

“2. ... Doubts were expressed regarding the fairness of the investigation as it was feared that as the local police was alleged to be involved in the encounters, the investigation by an officer of the U.P. Cadre may not be impartial.” (SCC p. 147, para 2)

62. In another decision of this Court in R.S. Sodhi v. State of U.P. 1994 Supp (1) SCC 143, the following conclusion is relevant : (SCC pp. 144-45, para 2)

“2. ... We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would



lend the final outcome of the investigation credibility. However faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the investigation to the Central Bureau of Investigation forthwith and we do hope that it would complete the investigation at an early date so that those involved in the occurrences, one way or the other, may be brought to book. We direct accordingly.

63. *In both these decisions, this Court refrained from expressing any opinion on the allegations made by either side but thought it wise to have the incident investigated by an independent agency like CBI so that it may bear credibility. This Court felt that no matter how faithfully and honestly the local police may carry out the investigation, the same will lack credibility as allegations were directed against them. This Court, therefore, thought it both desirable and advisable and in the interest of justice to entrust the investigation to CBI so that it may complete the investigation at an early date. It was clearly stated that in so ordering, no reflection either on the local police or the State Government was*



intended. This Court merely acted in public interest.” (Emphasis supplied)

26. It is not in dispute that for the incident involving the death of Deva Pardhi in police custody, an FIR No. 341 of 2024 has been registered, but till date, not one of the police official responsible for the death of a young man in custody has been arrested.
27. It is also not disputed that Gangaram Pardhi, the sole witness to the custodial death of Deva Pardhi, expressed serious threat perception at the hands of police and prison officials. The High Court accepted the genuineness of the threat perception and directed the transfer of Gangaram Pardhi from Guna Jail to the Central Jail, Gwalior.
28. We are, therefore, convinced that this is a classic case warranting invocation of the Latin maxim ‘nemo judex in causa sua’ which means that ‘no one should be a judge in his own cause’. The allegation of causing custodial death of Deva Pardhi is against the local police officials of Myana Police Station. The fact that the police officials have influenced the investigation right from the beginning is amply borne out from the circumstance that even the doctors, who conducted autopsy of the dead body of Deva Pardhi, seem to have been pressurised/influenced.
29. We are constrained to observe that despite taking note of the large number of the injuries on the



body of Deva Pardhi, the victim of custodial torture, the members of the Medical Board which conducted post-mortem on his body, failed to express any opinion regarding the cause of his death. This omission seems to be deliberate rather unintentional and appears to be a direct result of influence being exercised by the local police officials. The involvement of the police officials in the custodial death of Deva Pardhi is clearly borne out from the statement of the sole eye-witness Gangaram Pardhi and stands further corroborated during the magisterial inquiry. The victims' family tried to lodge the FIR immediately after the incident, but the local police officials prevented them from doing so. It is only after the magisterial inquiry was conducted that the FIR came to be registered wherein the offence of culpable homicide amounting to murder was omitted. Nearly eight months have passed since the FIR was registered but till date, not a single accused has been arrested.

30. *These circumstances give rise to a clear inference that the investigation by the local police is not being carried out in a fair and transparent manner and there is an imminent possibility of the prosecution being subjugated by the accused if the investigation is left in the hands of the State police, who are apparently shielding their own fellow policemen owing to the camaraderie."*



40. In the present case also, it is not in dispute that the incident involves the killing of the brother of the petitioner for which the petitioner has lodged the F.I.R. viz. Sasaram Town P.S. Case No.1040 of 2024 and two more prior F.I.Rs have been lodged by the local police. The petitioner, who is the informant of the present F.I.R. and the brother of the deceased, has expressed serious doubts over the investigation of the case registered by the petitioner for the killing of his brother. The apprehension of the petitioner is not unfounded since the allegation is directed against the Dy. S.P. and his bodyguard of killing his brother. Further, from the materials which have come on record, *prima facie* it appears that the Bihar Police is trying to influence the investigation right from the very beginning and all the materials/evidences which are against the accused persons i.e. Dy. S.P. and his bodyguard and other co-accused persons are not being believed during investigation.

41. Fair and impartial administration of justice is a treasured right and the very foundation of the criminal trial rests on the integrity of the investigation that precedes it. In a string of decisions including *Hansurabai (supra)*, the Hon'ble Supreme Court has laid down the law that the Constitutional Courts can exercise extraordinary powers to ensure fairness in



the process of investigation. In the same breath, the Hon'ble Supreme Court has cautioned that such extraordinary powers must be exercised sparingly.

42. It is cardinal principle that justice must not only be done, it must also be seen to be done. This Court would fail in its duty if it does not exercise extraordinary powers to ensure fair, impartial and objective investigation that would instill public confidence and provide credence. In the opinion of this Court, the Bihar Police cannot be believed to investigate the case properly against its own officials, one of whom, is a high ranking officer and is trying to influence the investigation and in fact, he has already influenced the investigation which is misdirected and is proceeding only to help the accused. Since the accusation are directed against the police personnel for killing the brother of the petitioner, the case should be investigated by an independent agency like C.B.I. If the C.B.I. is directed to investigate the case then the informant, his family members and the public at large will not doubt the investigation. Moreover, it is imperative that in any case the actual truth must come out in order to meet the ends of justice.

43. From the investigation done till date, it appears that the police is proceeding more in the direction of



collecting materials against the deceased and his family members instead of finding the truth and examining the allegations against the police officials.

44. In view of the aforesaid discussions and in the interest of justice, this Court directs the Superintendent of Police, C.B.I., Patna to register RC and ensure fair, transparent, comprehensive and expeditious investigation in the death of the brother of the petitioner in connection with Sasaram Town P.S. Case No.1040 of 2024 and also in other two connected F.I.Rs i.e. Sasaram Town P.S. Case Nos.1038 of 2024 and 1039 of 2024. The Bihar Police will hand over all the connected materials/evidences which are in their possession in connection with the aforesaid F.I.Rs.

45. With the aforesaid observations and directions, this criminal writ application is allowed to the above extent.

46. Needless to state that this Court has not expressed any opinion on the merits of the case.

(Sandeep Kumar, J)

pawan/-

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