

Role of Magistrates in Monitoring Police Investigations in Bihar

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Abstract: *The Magistracy occupies a central position in the Indian criminal justice system by ensuring that police investigations remain lawful, impartial, and consistent with constitutional guarantees. In Bihar, judicial intervention in police investigations has assumed particular importance because of recurring concerns relating to delayed investigations, procedural irregularities, custodial violence, political interference, and inadequate supervision. The Code of Criminal Procedure, 1973 (now largely replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023), empowers Magistrates to supervise investigations through provisions such as Sections 156(3), 159, 167, 173(8), and 190 CrPC.*

Various judgments of the Supreme Court and the Patna High Court have emphasized that while investigation remains the exclusive domain of the police, Magistrates possess significant authority to ensure that investigations are fair, prompt, and legally compliant. This review paper critically examines the statutory framework, judicial precedents, challenges, and recent developments concerning the role of Magistrates in monitoring police investigations in Bihar. The paper concludes that effective judicial oversight enhances accountability, protects fundamental rights, and strengthens public confidence in criminal justice administration.

Keywords: Magistrate, Police Investigation, Bihar, Criminal Justice System, Judicial Supervision, Section 156(3), BNSS

I. INTRODUCTION

The criminal justice system functions effectively only when investigations are conducted impartially and efficiently. Police investigations form the foundation of criminal trials because the quality of evidence collected during investigation largely determines judicial outcomes. However, investigations may suffer from delay, bias, negligence, or external influence. Therefore, judicial oversight through Magistrates serves as an important institutional safeguard. In Bihar, concerns regarding pendency of criminal investigations, improper registration of FIRs, and ineffective investigation have led courts to reiterate the supervisory jurisdiction of Magistrates. Although Magistrates cannot themselves conduct investigations, they may direct registration of FIRs, order proper investigation, require status reports, authorize remand, and ensure compliance with statutory procedures. Recent Patna High Court decisions have reaffirmed these supervisory powers under Section 156(3) CrPC.

OBJECTIVES OF THE REVIEW

- To examine the statutory powers of Magistrates in monitoring police investigations.
- To review judicial decisions relating to Magistrates' supervisory jurisdiction.
- To analyze the role of Magistrates in Bihar.
- To identify challenges affecting judicial monitoring.
- To recommend reforms for improving investigative accountability.

REVIEW METHODOLOGY

Component	Description
Research Design	Narrative Review
Sources	Supreme Court judgments, Patna High Court decisions, CrPC, BNSS, Police Manual, research articles
Period Reviewed	2000–2025
Nature of Review	Doctrinal and Analytical
Citation Style	APA 7th Edition

LEGAL FRAMEWORK GOVERNING MAGISTRATES

Table 1. Important Legal Provisions

Provision	Function
Section 156(3) CrPC	Direct registration of FIR and proper investigation
Section 159 CrPC	Preliminary inquiry in certain situations
Section 167 CrPC	Remand supervision
Section 173 CrPC	Acceptance of police report and further investigation
Section 190 CrPC	Taking cognizance
Section 202 CrPC	Inquiry before process issuance
BNSS 2023	Retains judicial supervision with procedural reforms

MAGISTRATE AS GUARDIAN OF FAIR INVESTIGATION

The Magistrate functions as the first judicial authority responsible for protecting constitutional rights during investigation. Judicial monitoring prevents arbitrary police action while maintaining investigative independence. Courts have repeatedly observed that Magistrates should neither interfere unnecessarily nor remain passive when investigations become unfair or excessively delayed.

SECTION 156(3): CORNERSTONE OF JUDICIAL MONITORING

Section 156(3) empowers Magistrates to:

Direct registration of FIR.

Order fresh investigation.

Seek investigation progress reports.

Ensure timely investigation.

Prevent arbitrary police inaction.

The Supreme Court in *Sakiri Vasu v. State of Uttar Pradesh* recognized these supervisory powers, and the Patna High Court has emphasized that Magistrates should actively monitor investigations where police fail to act properly.

MONITORING DURING POLICE REMAND

During remand proceedings, Magistrates evaluate:

Legality of arrest;

Necessity of custodial interrogation;

Compliance with procedural safeguards;

Protection of the accused's constitutional rights.

The principles laid down in *Arnesh Kumar v. State of Bihar* require Magistrates to scrutinize police requests carefully before authorizing detention.

ROLE OF MAGISTRATES AFTER FILING OF CHARGE SHEET

Following submission of the police report, Magistrates may:

- Accept the charge sheet;
- Reject closure reports;
- Order further investigation;
- Take cognizance independently;
- Summon additional accused where legally permissible.

Thus, judicial supervision continues even after completion of police investigation.

Table 2. Stages of Judicial Monitoring

Stage	Magistrate's Role
FIR Registration	Direction under Section 156(3)
Investigation	Progress monitoring
Arrest	Legality review
Police Custody	Remand scrutiny
Charge Sheet	Acceptance or rejection
Cognizance	Judicial application of mind
Further Investigation	Direction under Section 173(8)

BIHAR-SPECIFIC JUDICIAL DEVELOPMENTS

Patna High Court has consistently stressed that:

Magistrates should monitor delayed investigations.

Investigating officers may be changed if necessary.

Senior police officers may be directed to supervise investigations.

Victims should not be compelled to repeatedly approach High Courts when effective remedies exist before Magistrates.

CHALLENGES IN BIHAR

Major challenges include:

Heavy pendency of criminal cases.

Limited judicial infrastructure.

Police manpower shortages.

Political influence.

Delay in forensic reports.

Inadequate coordination between police and prosecution.

Lack of digital monitoring systems.

These institutional constraints often reduce the effectiveness of judicial supervision.

Table 3. Challenges and Suggested Reforms

Challenge	Suggested Reform
Investigation delay	Digital case monitoring
Police shortage	Specialized investigation units
Judicial workload	Additional Magistrate appointments
Poor coordination	Integrated police-prosecution meetings
Manual records	e-Court integration
Weak accountability	Periodic judicial review

JUDICIAL INDEPENDENCE AND POLICE AUTONOMY

A balanced criminal justice system requires:

Independent police investigation;

Limited but effective judicial supervision;

Constitutional protection of individual liberty;

Accountability without interference.

The Magistrate must ensure fairness without assuming the role of investigating officer.

EMERGING DEVELOPMENTS UNDER BNSS

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 emphasizes:

Electronic records;

Forensic investigation;

Time-bound investigation;

Digital documentation;

Enhanced judicial scrutiny.

These reforms are expected to strengthen the supervisory role of Magistrates in Bihar as implementation progresses.

RESEARCH GAPS

Few empirical studies examine Magistrates' monitoring practices in Bihar.

Limited district-wise comparative analyses.

Insufficient evaluation of BNSS implementation.

Lack of studies on digital judicial monitoring.

Minimal victim-perspective research.

II. CONCLUSION

Magistrates constitute one of the most important judicial safeguards against arbitrary or ineffective police investigations. Their authority under the Code of Criminal Procedure and the BNSS enables them to order registration of FIRs, monitor investigations, scrutinize remand applications, direct further investigation, and ensure adherence to constitutional and procedural safeguards. Judicial precedents, particularly those of the Supreme Court and the Patna High Court, have clarified that while Magistrates cannot themselves investigate offences, they possess broad supervisory authority to secure fair, impartial, and expeditious investigations.

In Bihar, where delays, investigative deficiencies, and institutional challenges have frequently been highlighted, effective exercise of Magistrates' supervisory jurisdiction can significantly improve criminal justice delivery. Strengthening judicial infrastructure, adopting digital monitoring mechanisms, enhancing police training, and fostering coordination between investigative agencies and courts will further reinforce the rule of law and public confidence in the justice system.

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