

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.117 of 2014

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1. Shakuntala Devi Wife Of Late Kisanu Dayal Mahto R/O Village Mukundpur, P.S. Sarai, District-Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar through Deptt. Of Home Govt. Of Bihar, Patna
2. The Deputy Inspection General Of Police, Tirhut Range, Muzaffarpur
3. The Superintendent of Police, Vaishali at Hajipur
4. The Officer In Charge Of Sarai Police Station, Vaishali at Hajipur
5. The Investigating Officer of Sarai Ps Case No 135/13, Vaishali at Hajipur
6. Rajendra Chouhan Son of Tarkeshwar Chouhan R/O Village Mukundpur, P.S. Sarai, District-Vaishali
7. Tarkeshwar Chouhan Son of Rajendra Chouhan R/O Village Mukundpur, P.S. Sarai, District-Vaishali
8. Baby Chouhan Son of Rajendra Chouhan R/O Village Mukundpur, P.S. Sarai, District-Vaishali
9. Kalawati Devi Wife of Tarkeshwar Chouhan R/O Village Mukundpur, P.S. Sarai, District-Vaishali
10. Kanti Devi Wife of Devendra Chouhan R/O Village Mukundpur, P.S. Sarai, District-Vaishali
11. Visheshwar Mahto Son of Aami Chand Mahto R/O Village Purwari Tola Mirzanagar, P.S. Mahua, District-Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-01-2015

In the present application filed under Articles 226

and 227 of the Constitution of India, the prayers of the petitioner

in paragraph 1 are as under :-

“1. That this is an application for issuance of writ in the nature of mandamus or any other appropriate writ for directing and commanding the respondents for following relieves-

- (i) For directing and commanding the respondent to investigate Sarai P.S. case no. 135/13 properly as early as possible.

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- (ii) Also for directing and commanding the respondent no-5 to take appropriate action for recording the statement of witnesses of Sarai P.S. case no.135/13, under section 161 of the Code of Criminal Procedure.
 - (iii) For directing and commanding the respondent to protect the life and liberty of the petitioner and her family members as accused person of Sarai P.S. case no.135/13 who are private respondent no-6-11, threatened them not to give evidence against them in the said case, pending in the Court of Chief Judicial Magistrate, Vaishali at Hajipur.
 - (iv) Also for directing the State respondent to arrest the private respondent no. 6-11 who are moving freely in his locality and trying to tampering the evidence.
 - (v) Also for directing the state respondent that after proper investigation submit final report as earliest against all accused persons including respondent no. 6-11 of Sarai P.S. case no.135/13.
 - (vi) Also to take appropriate action against the respondent no.-4 for not instituting the F.I.R. within reasonable time in connivance with private respondent nos. 6-11.
 - (vii) Also pass such other order/orders for which the petitioner is found to be entitled in the eyes of law.”

Learned counsel for the petitioner has submitted that the police have failed to investigate the case properly. He submits that the police have made no sincere effort to locate the father-in-law of the petitioner. He also submits that in the report submitted

by the police, it has been mentioned that there is no probability to find out the alleged victim in near future.

On the other hand, learned counsel for the State has submitted that the investigation was carried out in fair and impartial manner and in course of investigation it transpired that the alleged victim had voluntarily left his house and had become a saint and just in order to wreck personal vendetta some persons, with whom the petitioner was in inimical terms, were named in the F.I.R. It has further been submitted that on conclusion of investigation the police have already submitted final report under section 173(2) of the Code of Criminal Procedure in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur holding the accusation to be false.

Having regard to the facts and circumstances of the case, I find no merit in the application. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

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