

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.322 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

Sudha Devi, wife of Late Pashupati Kunwar @ Munna Mukhiya, resident of village- Sinuar Gopal, Police Station- Bahadurpur, District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar
2. The Inspector General of Police, Darbhanga Range, Darbhanga
3. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga
4. The Senior Superintendent of Police, Darbhanga
5. The Officer-in-Charge, Bahadurpur Police Station, Darbhanga

.... Respondents

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Respondent/s : Mr. Avinash Kumar, SC-30

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2015

In the present application filed under Articles 226 and 227 of the Constitution of India, the petitioner has made the following prayers in para-1:-

“1. That this writ application is being filed for following reliefs:-

- (i) For a direction to the respondents to expedite the investigation of Bahadurpur P.S. Case No. 67 of 2014 dated 21.02.2014 to recover the dead body of the husband of the petitioner.

(ii) For a direction to the respondents to submit final form/report as early as possible for ends of Justice.

(iii) For a direction to the respondents to apprehend the real culprits involved in this case so that petitioner may get justice”.

The petitioner is informant of Bahadurpur P.S. Case No. 67 of 2014 registered for the offence punishable under Section 364 read with 34 of the Indian Penal Code.

It has been alleged in the FIR that on 18th February, 2014, the accused persons named in the FIR came to her house and her husband went together with them to participate in Grih Parvesh Ceremony but since then her husband did not come back to the house. His mobile was also found switched off. The petitioner suspects that the accused persons might have kidnapped and killed her husband.

Learned counsel for the petitioner has submitted that though the FIR was instituted on 21st February, 2014 but the investigation has not been completed and the accused persons named in the FIR are moving freely. He has further submitted that several representations were made by the petitioner to the respondents but till date, the dead body of the husband of the petitioner could not be recovered.

On the other hand, learned counsel for the State has



submitted that the investigation of the case has been conducted in a fair and impartial manner. In course of investigation, out of three named accused persons, namely, Chintu Singh, Raj Nath Singh and Deepak Mishra, one Deepak Mishra was arrested on 24th February, 2014 and was produced before the Court pursuant to which he was remanded to judicial custody and during scientific investigation conducted by the police on the basis of mobile call details and tower location chart, three non FIR accused persons, namely, Shashi Singh, Himesh Mishra and Santosh were arrested and were remanded to judicial custody. Some of the accused persons named in the FIR and some others whose name transpired in course of investigation are absconding and against them, coercive measure have been taken to secure their arrest in the case. The investigation has already been completed and charge sheet No. 71 of 2014 has been submitted on 23rd May, 2014 against 12 FIR named and non FIR accused persons and further investigation is pending against unknown and known accused persons involved in the offence.

It has further been submitted that hectic search was made to recover the victim of the offence dead or alive but till date, the effort made by the police has not proved fruitful.

Having considered the rival submissions made on behalf of the parties and the averments made in the counter affidavit filed on

behalf of the respondent no. 4, I do not find any reason to doubt the bona fide of the investigating agency. It is well settled that to hold investigation into an offence is the statutory right of police. At this stage, the Court has no role to play. It is equally true that a sensitive and committed investigating agency is need of the hour. I hope and trust that the investigating agency would complete investigation of the case as early as possible and submit report in the Court of Magistrate.

In the background of the facts discussed above, no further order is required to be passed. The application stands disposed of.

(Ashwani Kumar Singh, J.)

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