

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.97 of 2014

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

Dharmsheela Devi wife of Late Rajendra Chauhan @ Raju, resident of village-
Bhadauni, Tola Laxmipur, P.S. Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police Bihar, Patna.
3. The Deputy Inspector General, Magadh Division, Gaya, Bihar.
4. The Inspector General of Crime Investigation Department, Bihar, Patna.
5. The Deputy Inspector General, Crime Investigation Department, Patna.
6. The Superintendent of Police, Nawada.
7. The Sub Divisional Police Officer, Rajauli, Nawada.
8. Officer Incharge, Akbarpur Police Station, Nawada.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Respondent/s : Mr. Prabhat Kumar, A.C. to G.A.-2

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-03-2015

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the State.

The petitioner is informant of Akbarpur P.S. Case No.157 of
2011 registered for the offence punishable under section 302 read
with 34 of the Indian Penal Code. In the FIR it has been alleged that
the accused persons conspired together and killed the husband of the
informant. In paragraph no.1 of the application, the prayer of the
petitioner is as under:-

*“1. That, this writ application on behalf of the
petitioner aforesaid is directed for grant of*

following reliefs.

(i) For direction to the respondents to entrust the investigation of Akbarpur P.S. Case No.157/11 dated 16.08.11 registered u/s 302, 34 I.P.C. to an independent agency or to any superior police officer of the C.I.D.

(ii) For direction to the respondents to conclude the investigation expeditiously and to submit the charge sheet against accused persons in Akbarpur P.S. Case No.157/11.

(iii) For any other relief/reliefs for which petitioner is entitled to.”

Learned counsel for the petitioner has submitted that the police have not properly investigated the case and they are in collusion with the accused persons. He has further submitted that the case requires to be investigated by any other independent agency or by superior police officer of the C.I.D.

On the other hand, learned counsel for the State has submitted that the FIR in question was duly investigated and it transpired in course of investigation that the accused persons named in the FIR have been falsely implicated in this case. The husband of the petitioner died in a road accident. It was not a case of homicidal death. On conclusion of investigation, the police have already submitted final report against the accused persons named in the FIR.

The police failed to find any clue in respect of the vehicle responsible for the alleged fatal road accident.

Having regard to the facts and circumstances of the case, I find no merit in the present application. Since the police have already submitted report before the Magistrate, it is for the Magistrate concerned to take into consideration the materials collected in course of investigation and pass appropriate orders in accordance with law.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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