

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.317 of 2014

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

Mustkeema Khatoon wife of Mansoor Alam @ Naddaf daughter of Mansoor Alam
resident of village- Lohkhar, P.S.- Sonbarsha, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, District- Patna
2. The Inspector General of Police, Division- Darbhanga
3. The Superintendent of Police Sitamarhi, District- Sitamarhi
4. The Collector, District- Sitamarhi
5. The Officer-in-charge, Police Station- Sonbarsa, District- Sitamarhi

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri. Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-02-2015

A counter affidavit has been filed on behalf of the State. Let
the same be kept on record.

Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is informant of Sonbarsa P.S.Case No.142 of
2013 dated 10.9.2013 registered for the offences punishable under
sections 302 and 201 read with 34 of the Indian Penal Code.

By filing this application under Articles 226 and 227 of the

Constitution of India, the petitioner seeks a mandamus to be issued upon the respondents to arrest the accused persons, namely, Mansoor Nadaf and Aajul Nadaf, who have been made accused in the aforesaid Sonbarsa P.S. Case No.142 of 2013 and to record the statement of the petitioner and other witnesses of the case.

Learned counsel for the petitioner has submitted that the accused persons are husband and father-in-law respectively of the petitioner. The allegation made in the FIR is of killing a minor daughter of the petitioner aged about three years. It has been submitted that despite lapse of over one year, the police have failed to apprehend the accused persons named in the FIR. According to him, the investigation of the case is not being conducted properly in a fair and impartial manner.

Learned counsel for the State has submitted that on conclusion of investigation the police have already submitted final form in the case vide final report no.70 of 2014 dated 31.5.2014. The final report has been brought on record as annexure-A to the counter affidavit.

Having heard the parties, I am of the opinion that since final form has already been submitted in the case against the accused persons, no direction for arrest of the accused persons can be given by this court. Once a report under section 173 of the Code of Criminal

Procedure is filed in the court, it is for the Magistrate concerned to pass appropriate orders in accordance with law.

In that view of the matter, I find no merit in the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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