

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1228 of 2014

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Neha Kumari daughter of Sudhir Prasad Singh Resident of village -
Bariyarpur, P.S. Piri Bazar, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Inspector General, Rail, Patna.
3. Superintendent of Police, Rail, Jamalpur, Munger.
4. Deputy Superintendent of Rail Police, Jamalpur, Munger.
5. O/C, Rail Thana, Jamalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

3 31-07-2015 Heard learned counsel for the petitioner and learned
A.C. to G.P. 13 for the State.

The present application has been filed seeking a
direction to the authorities to lodge an F.I.R. on the basis of
application dated 22.09.2014 filed by the petitioner before the
respondent no. 5.

Learned counsel for the petitioner submits that the father of the petitioner while moving on the railway track was pushed by the two accused persons when a train was approaching leading to his death for which written information was also given to the respondent no. 5 but till date no F.I.R. has been lodged.

Learned counsel for the State, who has filed counter affidavit, submits that the so called written complaint of the petitioner dated 22.09.2014 was not received in the local police station. However, a learned advocate had come to the police station on 23.09.2014 along with a newspaper cutting and had tried for lodging of F.I.R. but no case was lodged. It is submitted that from the paper cutting itself it would be obvious that the deceased was walking while talking on his mobile without there being any allegation of foul play and further that by the time the police could reach the spot, the relatives of the deceased had already taken away the dead body and thus no further action could be taken by the police in the absence of any material to indicate such incident. It is further submitted that the advocate, who had approached the police station on behalf of the petitioner, had also done so along with the paper cutting indicating such incident and had neither disputed the facts mentioned in the press reporting nor had come up with any written application which is alleged to have

been given to the respondent no. 5 by the petitioner.

In view of the aforesaid, there being no material as of now for the police to act upon, in the opinion of the Court, no relief can be granted.

Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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