

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1062 of 2014

Arising Out of PS.Case No. 443 Year- 2014 Thana –Lakhisarai. District- LAKHISARAI

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Sarita Devi W/o - Raushan Singh resident of village - Babhangama, Police Station
and District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Lakhisarai.
4. Subodh Kumar Bishwash, the then Deputy Superintendent of Police, Lakhisarai.
5. Jitendra Kumar, then Sub Inspector, of Police Lakhisarai, (Lakhisarai Police Station).
6. Manoj Kumar, S.H.O. Lakhisarai, Police Station.
7. Usha Mishra W/o - Late Dr. Sharad Chandra resident of village - Balika, Vidyapith Premises Lakhisarai, Police Station + District - Lakhisarai.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-04-2015

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

2. This writ petition has been filed with a prayer for handing over
the investigation of Lakhisarai P.S. Case No. 443 of 2014 instituted under Section
302, 34 and 120(B) IPC and Section 27 of the Arms Act to an independent agency
or the Central Bureau of Investigation wherein the husband of the petitioner and
his brother-in-law have been implicated.

3. It is submitted on behalf of the petitioner that the local police
has not been conducting the investigation of the case in a proper manner and for

which he has filed Complaint Case No. 249 C of 2013 in the Court of learned Chief Judicial Magistrate, Lakhisarai.

4. Learned Counsel for the Respondents on the other hand submits that as a matter of fact the investigation is being carried out properly and the Police is duty bound to carry out its statutory duties.

5. Having regard to the submissions of the parties and the materials on record this Court is not inclined to accept the prayer of the petitioner. The parameters when the matter may be handed over to the Central Bureau of Investigation have been enunciated by the Hon’ble Apex Court in **(2010) 3 SCC 571 (State of West Bengal and others vs. Committee for Protection of Democratic Rights, West Bengal)** and again in **AIR 2011 SC 3010 (T.C.Thangaraj vs. V.Eryemmal and others)**. The present case does not fall within the parameters having no national or international ramifications.

6. The writ petition stands dismissed.

(Vikash Jain, J)

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