

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.437 of 2016

Arising Out of Kudhanai (Turki) PS.Case No.169 of 2004,
District- MUZAFFARPUR

1. Dharmendra Sah @ Rabindra Sah, son of Dhanpat Sah @ Ganpat Sah @ Ganpat Sah, resident of Yusufpur, P.S.- Lalganj, district- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Collector, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Officer-in-charge of Kudhani (Turki) Police Station, Muzaffarpur.
6. The Investigating Officer of Kudhani P.S. case No. 169/04.
7. Md. Azim son of Late Md. Abbash, resident of Village- Sumera Afjalpur, P.S.- Kudhani, District- Muzaffarpur.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Respondents State: Mr. Anjani Kumar, AAG 4

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 30-09-2016

Heard Mr. Rajeev Ranjan, learned Counsel for the petitioner, and Mr. Anjani Kumar, learned Additional Advocate General No. 2, appearing for the State respondents.

The petitioner herein is an accused in Kudhanai (Turki) P.S. Case No. 169 of 2004, registered under Sections 366/366A/34 of the Indian Penal Code, which has, upon investigation, resulted into filing of the *charge sheet* against the accused.

With the help of this writ petition, made under Article 226 of the Constitution of India, the petitioner, now, submits that the



alleged victim girl got married with the petitioner and they have two children. It also transpires that the alleged victim was never recovered and her statement, either under Section 161 of the Code of Criminal Procedure or under Section 164 of the Code of Criminal Procedure, was never recorded. The petitioner also submits that he has apprehensions of threat to his life, to the lives of members of his family from the end of the parents and the relatives of the alleged victim.

Having regard to the nature of pleadings and materials on record, this Court is of the view that further investigation is necessary in order to unfurl the truth so that no innocent person is harassed, tortured or made to suffer injustice or prejudice.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioner, accompanied by the victim girl/woman, whom the petitioner claims to have married, shall report to the Superintendent of Police, Muzaffarpur, within fifteen days from today along with a certified copy of this order, and, upon their appearance, as directed hereinbefore, the Superintendent of Police, Muzaffarpur, shall ensure that appropriate investigation is carried out by recording the statement of the alleged victim under Section 161 of the Code of Criminal Procedure and/or under Section 164 of the Code of Criminal

Procedure and, then, appropriate report be placed in the learned trial Court upon completion of further investigation, in accordance with law, as has been directed hereinbefore.

The Superintendent of Police, Muzaffarpur, is hereby directed to ensure security and safety of the present petitioner and his family members during the period the case remains under investigation.

It will remain open to the Superintendent of Police, Muzaffarpur to arrest the petitioner and, if the petitioner is so arrested, he may take recourse to such provisions of law as may be permissible.

With the above observations and directions, the writ petition shall stand disposed of.

(I. A. Ansari, CJ)

A.I./-

AFR/NAFR	NA
CAV DATE	NA
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