

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.450 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Suhani Priya daughter of Arun Prasad resident of Village- Gopalchak, Ps Saksohara, District Patna at present resident of Mohalla- Gaura Garh, Nai Sarai, Station Road, Bihar Sharif, p.s Bihar District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Insector General of Police, Patna Range, Patna
3. The Deputy Inspector General of Police, Patna Range, Patna
4. The Superintendent of Police, Nalanda at Bihar Sharif.
5. The Officer-in-charge, Bihar Police station, In the district of Nalanda.
6. The Inspector General of Police, Crime Inventigation Department , Bihar Patna
7. Bipin Kumar Son of Sheonandan Prasad resident of village- Barah, P.s- Belchachhi, District Patna at present working as Stenographer in the officer of Deputy College, Mohamdabad , P.s Mohamadabad in the district of Mau in the State of uttar Pradesh.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-02-2016

By way of present application under Articles 226 and 227 of the Constitution of India, petitioner seeks a direction to be issued to the respondent authorities to re-open investigation of Bihar P.S. Case No. 487 of 2014 dated 07.12.2014 registered under sections 376, 323 and 504 of the Indian Penal Code and entrust the investigation to any senior police officer of the rank of Superintendent of Police or to entrust the investigation to any other agency like the Crime Investigation Department, Bihar, Patna, so that the investigation in the case can take place and the petitioner can get

justice in the matter.

It would be apparent from the affidavit as also the endorsement made by the learned counsel for the petitioner that the application was prepared for filing on 29.04.2015 and it was filed in the court on 04.05.2015.

A counter affidavit has been filed in the matter which would make it evident that on completion of investigation the police have already submitted charge-sheet in the case against the sole named accused Bipin Kumar on 30.04.2015 vide Charge-sheet No. 80 of 2015 under sections 376, 292-A, 323 and 506 of the Indian Penal Code, Sections 10, 12, 13 and 14 of the Protection of Children from Sexual Offences Act, 2012.

Regard being had to the fact that a report under section 173(2) of the Code of Criminal Procedure, 1973 has already been filed in the court and in case the petitioner has any grievance against the manner of investigation, the same shall be raised first before the Magistrate concerned, I am not inclined to entertain the present application at this stage.

Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

Amin/-

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