

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.893 of 2015

Arising Out of P.S.Case No. -42 Year- 2015 Thana – Pakadidayal District- EAST CHAMPARAN
(MOTIHARI)

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1. Rama Singh Son of Late Poshan Singh, Resident of village - Dhanauji, P.S.
Pakadidyal, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar at Patna
3. The Inspector General of Police, Tirhut Range, Muzaffarpur at Muzaffarpur
4. The Deputy Inspector General of Police Bettiah Range at Bettiah
5. The Superintendent of Police, East Champaran at Motihari
6. The Sub - Divisional Police Officer Pakaridyal at Pakaridyal
7. The Officer - in - Charge, Pakadidyal Police Station at Pakadidayal

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Adv.

For the Respondent/s : Mr. Anjani Kumar JKha, A.C. to AAG-IV

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-02-2016

The petitioner is the informant of Pakadidayal P.S.Case
No. 42 of 2015 dated 07.03.2015 registered under Section 366-A/34
of the Indian Penal Code.

It is alleged in the FIR that the daughter of the
informant went to her school on 02.03.2015 at 9.30 a.m. but she did
not come back from school. An enquiry was made by the informant
from one Champa Devi who told that she did not know the
whereabouts of the daughter of the informant. Despite hectic search
made by the family members, the victim could not be recovered. On



further enquiry, it came to the notice of the informant that his daughter was frequently in touch with one Chandan Sah. The informant has raised apprehension that his minor daughter aged about 15 years might have been abducted by Chandan Sah and his family members. In the FIR, apart from Chandan Sah, Champa Devi, Chinta Devi, Bhaddu Sah and Saroj Sah were suspected to be involved in the case.

By way of filing the present application under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the respondent authorities to recover the minor girl of the petitioner and to arrest the accused persons, who are moving without any fear of law and threatening the petitioner.

It has been contended by learned counsel for the petitioner that though the FIR was registered on 7th March, 2015, the police have not been able to recover the minor daughter of the petitioner. The investigation of the case is thoroughly unsatisfactory as no accused named in the FIR has been arrested by the police so far. It has further been contended that the petitioner is running from pillar to post for recovery of his minor daughter but the police are sitting tight over the matter.

On the other hand, learned counsel for the State has contended that the allegation regarding tainted investigation is



without any substance. He has contended that the daughter of the petitioner eloped from her house on 2nd March, 2015 but information was given to the police after five days on 7th March, 2015 and there is no reasonable explanation for the undue delay caused in informing the police. He has further contended that despite their being delay, the police have taken up the matter quite seriously and, in course of investigation, all efforts are being made by the police to recover the daughter of the petitioner. Further, out of five named accused, three were arrested by the Investigating Officer of the case on 7th May, 2015 and the fourth one was arrested on 1st June, 2015 and they have been forwarded to judicial custody. The Investigating Officer has already submitted charge-sheet against the accused persons, vide charge-sheet no. 59 of 2015 dated 30th June, 2015. The only other accused, namely, Chandan Sah is traceless since the date of institution of the FIR and all efforts made by the police so far could not yield any result so far as the arrest of Chandan Sah and recovery of the alleged victim is concerned. However, Investigating Officer of the case has already made requisition before the court of Magistrate for obtaining processes under sections 82 and 83 of the Code of Criminal Procedure.

I have heard the respective counsel for the parties and perused the record.

In view of the submissions made at the Bar and the averments made in the application and the counter affidavit filed on behalf of the parties, there is no material on the basis of which it can be said that the police are not conducting the investigation of the case in a fair and impartial manner. The matter is still under investigation and at this stage it would not be proper for this Court to make any specific direction with regard to culpability or otherwise of any of the accused.

In that view of the matter, I do not think it necessary for the present to issue any direction to the respondents. It is expected that the police would make every effort to recover the girl and produce her before the court for recording her statement under Section 164 of the Code of Criminal Procedure.

With these observations, the application is disposed of.

(Ashwani Kumar Singh, J)

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