

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.585 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BHAGALPUR

=====

Reeta Devi wife of late Pradeep Pandit, Resident of village- Dighi Pandit Tola ,
P.S. - Nathnagar, Dist.- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. The D.G.P. Bihar , Patna
3. The Collector, Bhagalpur
4. The Senior Superintendent of Police, Bhagalpur.
5. The Thana in-charge , Nathnagar Police Station (Madhusudanpur), Nathnagar,
Bhagalpur.
6. The Union of India through the General Manager, Eastern Railway, Malda
Division Kolkata.
7. The Railway S.P. Jamalpur, Munger .
8. The Railway Thana in-charge, GRP, Bhagalpur.
9. Sunita Devi wife of Manoj Pandit,
10. Manoj Pandit son of Late Dukhan Pandit

Both opposite party no. 2 and 3 are resident of village- Dighi Pandit Tola , P.S.-
Nathnagar, District- Bhagalpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Advocate

For the Respondent/s : Mr. A. N. Sinha, G. P. -11

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 03-02-2016

The petitioner Reeta Devi had filed Complaint Case
under Section 200 of the Code of Criminal Procedure, 1973 (for
short “the CrPC”) in the Court of Chief Judicial Magistrate,



Bhagalpur making allegation therein that her husband Pradeep Pandit was taken away by the accused Manoj Pandit and Sunita Devi on 29.05.2014 at 5 a.m. on the pretext to go to Patna but, when her husband did not return, she suspected that he might have been murdered under deep rooted conspiracy hatched up by aforesaid Pradeep Pandit and Sunita Devi. The said complaint was referred to the police under Section 156(3) CrPC for investigating, pursuant to which Nathnagar (Madhusudanpur) P. S. Case No. 242 of 2014 was registered under Sections 302 and 120 B of the Indian Penal Code against the respondents no. 9 and 10, namely, Sunita Devi and Pradeep Pandit.

2. By way of the present application, the petitioner seeks a direction to be issued to the respondents no. 2 to 8 to conclude the investigation with respect to the aforesaid police case.

3. It has been contended by learned counsel for the petitioner that the police are in collusion with the accused persons and the investigation of the case is not being conducted in a fair and impartial manner. He has further contended that the accused persons are threatening the informant of the case and, as such, she apprehends danger to her life.

4. On the other hand, learned counsel for the State has contended that the investigation of the case is being conducted



in a fair and impartial manner and in course of investigation, it was revealed that prior to the institution of the FIR, Rail P. S. (UD) Case No. 34 of 2014 was already registered in respect of death of the husband of the petitioner. In the aforesaid UD case, the investigation revealed that deceased Pradeep Pandit had died due to fall from train. It has further been contended that allegations levelled against the police are baseless and the police shall provide due protection to the life of the petitioner.

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

6. In the absence of any cogent material that the investigation of the case is tainted, all investigations conducted by the police are presumed to be fair and impartial. To hold inquiry into a cognizable offence is the statutory duty of the police and, at this stage, the Court has no role to play. Since the investigation is going on, this Court would refrain itself from making any comment on the manner of investigation. It is well-settled that neither accused nor the informant of the case can dictate the manner in which the investigation of a case is to be conducted. There is nothing on the record on the basis of which it can be said that investigation of the present case is tainted. However, it is expected that investigating agency would expeditiously complete the

investigation of the case from all possible angles and submit their report in the Court.

7. With these observations, the application is disposed of.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--