

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.738 of 2015

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

Mamta Devi, Wife of Surendra Yadav resident of Mohalla Sohankan, near Bharat Gas Godown, P.S. Dalari Distt Nalanda.

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate Nalanda District - Nalanda.
4. The Superintendent of Police, Nalanda, District- Nalanda.
5. The Thana Incharge Lahari, P.S. District Nalanda.
6. Bhola Yadav
7. Bhushan Yadav
8. Satendra Yadav Sons of Late Shivnandan YAdav
9. Uma Devi wife of Late Shiv Nandan Yadav Respondent no 5 to 8 are resident at Mohalla Bizwan Tola, Beldaroapar, PS. Deepnagar Distt- Nalanda.

.... Respondents

Appearance:

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate.
For the Respondents : Mr. A.K. Choudhary, AAG-13.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-05-2016

By way of present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has made a prayer seeking direction upon the respondent authorities to provide her police protection and to take legal and proper action against respondent nos. 6 to 9, who are accused in Laheri P.S. Case No. 357 of 2013 registered under Section 302/34 of the Indian Penal Code (For short 'IPC').

2. The petitioner happens to be the informant of Laheri



P.S. Case No. 357 of 2013 registered on 16.12.2013 under Section 302/34 of the IPC against Respondents No. 6 to 9. It has been alleged in the FIR that after taking the thumb impression of the mother of the informant on a blank sheet of paper, the Respondents No. 6 to 9 killed her by crushing her head by hard and blunt object (Atta chakki).

3. It has been contended by the learned counsel for the petitioner that after registering the F.I.R in the month of December, 2013, the investigating agency is sitting tight over the matter. Till date no action has been taken against the accused persons named in the F.I.R. It has been further contended that due to lack of sensitivity on the part of the investigating agency, the petitioner apprehends threat to her life at the hands of the accused persons, who are openly threatening the petitioner to compromise the case.

4. On the other hand, learned counsel for the State has submitted that it is not true that the investigating agency is sitting tight over the matter rather appropriate action is being taken in order to find out the truth and to bring the investigation to its logical conclusion. He has further contended that the petitioner has never given any information at the police station about any threatening or of any overt act attributed by the respondents No. 6 to 9 either to the police station concerned or to the Superintendent of Police, Nalanda.



5. Be that as it may, it is not in dispute that the offence alleged is of culpable homicide amounting to murder. Certainly, the offence is serious in nature. Though, to hold investigation into a cognizable offence is the statutory right of the police, it cannot forget to investigate a case after instituting an F.I.R and sit tight over the matter for an indefinite period. A committed and sensitive investigating agency is indispensable to the interest of justice. The manner in which the investigation of the case is proceeding speaks volumes of a deliberate act or irresponsible attitude of investigation. The S.H.O of the Police station and the investigating agency, who are dealing with investigation of the criminal case are obliged to be diligent, truthful and fair in their approach.

6. Be it noted that when the statutory authorities forget to investigate a case or when the investigation of the local police is not in proper direction, this court may hand over investigation to an independent agency.

7. However, before taking any such step, I direct the Superintendent of Police, Nalanda to personally look into the matter and ensure that the investigation of the case is brought to its logical conclusion within a reasonable period of time, preferably within a period of three months from the date of receipt/production of a copy of this order.

8. I further direct the Superintendent of Police, Nalanda that in case, the petitioner makes a representation before him for police protection, he should consider and disposed of the same by a speaking order.

9. With these observations and directions, this application is disposed of.

(Ashwani Kumar Singh, J)

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