

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.300 of 2015

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

Mamta Devi daughter of Satya Deo Singh, resident of village- Parsa, P.S.-
Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Bihar, Patna.
5. The Senior Superintendent of Police, Crime and Investigation Department, Bihar, Patna
6. The Superintendent of Police, Gramin, Patna
7. The Deputy Superintendent of Police, Patna.
8. The Officer InCharge- cum- S.H.O. Naubatpur, Patna.
9. The Assistant Sub Inspector (I/O) Police station- Naubatpur, District- Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sanjeev Kumar, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 25-01-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to the respondents to conduct investigation of Naubatpur P.S. Case No.425 of 2014 dated 24.8.2014 and take suitable actions against the respondents no.8 and 9 for their insensitiveness towards investigation of the case.

2. It has been contended by the learned counsel for the petitioner that the aforesaid case was registered, inter alia, under

section 307/34 of the Indian Penal Code on the basis of written report submitted by the petitioner against the accused, namely, Nandan Kumar, Premjit Kumar, Mukesh Kumar, Pramod Kumar and Dhiraj Kumar but the investigation agency is sitting tight over the matter and there is no progress in the case.

3. On the other hand, learned counsel for the State has contended that there is no truth behind the allegations made in the FIR. He has contended that immediately after institution of the FIR, the investigating officer took up the investigation in the case wherein it came into light that father of the informant Mamta Devi and the accused Nandan Kumar are agnates and land dispute is going on between the parties and in this regard time to time altercation used to take place between them. On the date and time of occurrence some altercation took place between the petitioner and Nandan Kumar. In the meantime, accused Premjeet Kumar reached on the spot and scuffle took place between the parties wherein the petitioner fell down on earth and she sustained injury on her head. However, on *hulla* some villagers reached there and intervene in the matter and got the issue resolved. During investigation, it further came into light that at the time of alleged occurrence the accused Dhiraj Kumar, Mukesh Kumar and Pramod Kumar were not present at the place of occurrence and they have been made accused simply because they happen to be

relatives of the accused Nandan Kumar.

4. The aforesaid contentions advanced by the learned counsel for the State find place in the counter affidavit filed on behalf of respondent no.5 the Senior Superintendent of Police, Crime and Investigation Department, Bihar, Patna. The assertions made in the counter affidavit have not been denied by the petitioner by filing any rejoinder.

5. Regard being had to the facts and circumstances of the case, I do not find any merit in this application. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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