

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.78 of 2016

Arising Out of PS.Case No. -311 Year- 2015 Thana –Goraul (Kathara O.P.) District-
VAISHALI(HAJIPUR)

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Randhir Roy, son of Jogendra Roy, resident of village - Kaila Jalalpur, P.S. -
Goraul (Kathara O.P.), District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar Old Secretariat, Patna.
2. The Inspector General of Police, Tirhut Division, Muzaffarpur.
3. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Collector, Vaishali.
5. The Superintendent of Police, Vaishali at Hazipur.
6. The Sub-Divisional Police Officer, Mahua District - Vaishali at Hajipur.
7. The Officer-in-charge, Police Station Goraul (Kathara O.P.), District - Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajiv Ranjan Sinha, Advocate.
For the State : Mr. Amit Kumar Anand, A.C. to G.P. 15

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 24-02-2016

Heard learned counsel for the petitioner and the State.

2. Petitioner is seeking a direction to the police to recover
his wife Pinki Devi.

3. The petitioner is alleged to have married Pinki on 5th of
June, 2005. It is on 04.10.2015, brother of Pinki Devi filed a First
Information Report for the offence under Sections 302/ 201/34 of the Indian
Penal Code in which the petitioner is an accused on account of death of
Pinki Devi by the petitioner.

4. The argument of the learned counsel for the petitioner
is that Pinki Devi is alive and in fact, she was married by her brother to

some other person, therefore, a direction be issued to the police to recover Pinki Devi.

5. Admittedly, the investigation into the First Information Report lodged by the brother of Pinki Devi is pending. The petitioner can be prosecuted only on the proof of death of Pinki Devi in the manner alleged by her brother. Therefore, there cannot be any direction to recover Pinki Devi, who as per her brother, is not alive. In view thereof, no direction can be issued in the facts and circumstances of the case.

6. The writ application, thus, stands dismissed.

(Hemant Gupta, J)

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