

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1408 of 2015

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Maheshwari Devi, W/o Sri Ram Swaroop Yadav, Resident of Village-Karanja,
P.O.- Jakhaim, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar
2. The Regional Deputy Director, Education Department, Gaya, Magadh Range,
Gaya.
3. The District Education Officer, Nawada.
4. The District Magistrate Nawada.
5. The Police Superintendent Nawada.
6. The District Programme Officer, Establishment, Aurangabad.
7. The District Magistrate, Aurangabad.
8. The Superintendent of Police, Aurangabad, District- Aurangabad.
9. The Officer Incharge, Nagar Police Station, Nawada, District- Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-02-2017

The instant writ application has been filed for
issuance of a direction to the respondents to declare the husband of
the petitioner traceless or dead as her husband disappeared on
19.06.1999 while he was working as an Assistant Teacher at High
School, Paharia, Nawada and since then he is traceless. The



petitioner has further prayed for issuance of a direction to the respondents to pay family pension and other admissible dues to her.

2. From the counter affidavit filed on behalf of the respondent no.1, it would be evident that in respect of the claim of the petitioner, an FIR has recently been instituted on 2nd of August, 2016, vide Nawada Town P.S. Case No. 423 of 2016 under Section 363 of the Indian Penal Code. The case is still under investigation.

3. In view of the fact that the police case instituted on the written report of the petitioner is still under investigation, no relief can be granted to the petitioner at this stage.

4. Accordingly, the writ application is disposed of with liberty to the petitioner to seek redressal of her grievance by filing an appropriate application only after police investigation is concluded and a final report under Section 173(2) of the Cr.P.C. is submitted before the Court.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2017
Transmission Date	NA

