

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1339 of 2016

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

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Parwati Yadav, W/o Akhilesh Rai, Resident of Village - Paramjivar, P.S. -
Hathauri, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police, Muzaffarpur Range Muzaffarpur.
5. The Deputy Inspector General of Police Muzaffarpur Range Muzaffarpur.
6. The Senior Superintendent of Police, Muzaffarpur.
7. The Investigation Officer of Hathauri P.S. Case No. - 14/2012

.... Respondents

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Appearance :

For the Petitioner : Shri Suraj Narayan Prasad Sinha, Sr. Advocate
Shri Sanjay Kumar Sinha, Advocate

For the Respondents : Mr. Iqbal Asif Niazi, A.C. to G.P. 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsels for the parties.

2. The petitioner is wife of an accused in Hathauri Police Station Case No. 14 of 2012 registered under Sections 147, 148, 149, 302, 120B and 380 of the Indian Penal Code as well as under Section 27 of the Arms Act. The petitioner has prayed for further investigation of the case in pursuance of the direction of the Director General of Police, Government of Bihar, Patna dated 23.07.2015. Further prayer is for direction for re-investigation of Hathauri Police Station Case No. 15 of 2012 which is a counter case registered under Sections 148, 341, 323, 324, 307 and 504/34 of the Indian Penal Code as well as under Section 27 of the Arms Act.



3. It appears that the petitioner had filed a petition before the Director General of Police, Government of Bihar, Patna with a prayer to get the case investigated by the C.B.I., C.I.D. etc.

4. By Annexure-3, the Director General of Police, Government of Bihar, Patna through his letter no. 262, dated 23.07.2017 forwarded the said application to the Superintendent of Police, Muzaffarpur for inquiry. In turn the Superintendent of Police, Muzaffarpur forwarded the said application to the Investigating Officer of the case, who submitted his report vide Annexure-4 stating therein that in both the cases evidence has already come on the record. Some of the accused were arrested and for apprehension of some others, the matter was pending.

5. Contention of the petitioner is that the police was not fair in proper investigation of the case, hence, the matter requires to be re-investigated by the independent agency.

6. To counter the aforesaid submission, learned counsel for the State-respondents submits that the charge sheet was already submitted in both the cases in the year 2012-13 itself and trial is already going on. Moreover, no glaring infirmity has been found in the investigation of the case, rather the petitioner wants to delay the trial and fabulous petition has been filed.

7. The petition of the petitioner filed before the



Director General of Police, Government of Bihar, Patna vide enclosure to Annexure-3 also does not disclose that the petitioner desired the investigation to be carried out in any particular area or against particular matter. Vague petition was submitted to the Director General of Police, Government of Bihar, Patna for further investigation.

8. Moreover, during course of argument, nothing has been pointed out on the record regarding the failure of the Investigating Agency in completion of the investigation properly, save and except piecemeal submission of the charge sheet filed in the case even till the year 2016 against some of the co-accused.

9. Learned counsel for the petitioner last submits that the report submitted by the Investigating Officer concerned on the petition of the petitioner be directed to be produced during the course of trial.

10. The petitioner may produce the same, if so desires at the appropriate stage of the trial.

11. With the aforesaid observation and for the aforesaid reason, this writ application is disposed of as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.08.2017
Transmission Date	25.08.2017

