

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1948 of 2017

Arising out of Laheriasarai P.S. Case No. 358 of 2017, District Darbhanga

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1. Ashish Narayan Jha, Son of Shree Narayan Jha,
 2. Dr. Shree Narayan Jha, S/o Late Hari Narayan Jha,
 3. Manish Narayan @ Manish Narayan Jha, S/o Shree Narayan Jha, All are R/o Mohalla- Balbhadrapur, Ward No.44, P.S.- Laheriasarai, District-Darbhangha.
 4. Naveen Jha @ Naveen Kumar Jha @ Navin Kumar Jha, S/o Kalikant Jha, R/o Village- Raghapur, P.S.- Manigachhi, Distt. Darbhanga, At present R/o Mohalla- Vidya Nagar, P.S.- Laheriasarai, District-Darbhangha.

.... Petitioners

Versus

1. The State of Bihar, through the Director General of Police, Bihar.
2. The Senior Superintendent of Police, Darbhanga.
3. The Officer In Charge, Laheriasarai Police Station, Darbhanga.
4. Manisha Choudhary, Daughter of Manmohan Choudhary, At present Mohalla- Balbhadrapur, Ward No. 44, P.S.- Laheriasarai, District-Darbhangha.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Respondent/s : Mr. Partha Sarthi (GA-4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

5 01-10-2018

Heard learned counsel for the parties.

Petitioners in the present case are seeking quashing of the First Information Report being Laheriasarai P.S. Case No. 358 of 2017 dated 08.09.2017 registered for offences alleged under Sections 341, 342, 323, 504, 506, 354, 385, 195 (A), 327 and 307/34 of the Indian Penal Code.

In course of hearing, learned counsel for the petitioners submits that even though the investigation in the



present case is still going on, at least the case of petitioner nos. 1 and 4 are required to be quashed because even a *prima-facie* reading of the First Information Report would show that no offence at all is alleged much less made out against them. Learned counsel submits that according to the informant-respondent no. 4, on 08.09.2017 when she along with her mother came to depose in the Court in connection with P.S. Case No. 40 of 2014, her 'Sasural' people started threatening her and while she was going to lodge a complaint in this regard to the senior police officer near Laheriasarai tower at around 12:00 noon, her father-in-law, Sri Narayan Jha stopped her and asked her to follow him to a lonely place to talk something necessary. The informant allegedly asked him as to what is the matter but he did not agree and asked her to come for a while. It is alleged that when the informant went on the back side of the Hotel situated inside the Court premises, her father-in-law and *Devar*, Manish Narayan Jha asked her to leave the Laheriasarai P.S. Case No. 40 of 2014, failing which she and her entire family would be killed and nobody can do anything against them. They started telling her that they have spent about Rs.5,00,000/- which they would realize from the informant. It is further alleged that they were threatening the mother of the informant and with an intention to kill her mother they started



pressing her neck by a 'Saree'. On this, it is alleged that the informant shouted on which they pushed down her mother and gave her blow by Ankle. Further allegations have been made against the father-in-law and *Devar* in the First Information Report.

Learned counsel submits that from a bare reading of the First Informant Report, it would appear that so far as the husband is concerned, he has been falsely implicated in this case on suspicion and bald allegation. Petitioner no. 4 has been made accused by alleging that he was also keeping vigil over the informant and was threatening the accused persons. It is submitted that so far as petitioner no. 4 is concerned, he is *Munshi* presently attached to the learned Advocate who is doing *Pairvi* of the case on behalf of the father-in-law of the informant. Learned counsel has pointed out from the order-sheet of this case that there was no date fixed in the given case in the court of learned S.D.J.M., Darbhanga on 08.09.2017 who is the alleged date of occurrence.

On the other hand, learned counsel representing the private-respondent submits that the allegation leveled in the First Information Report are still under investigation and in case those allegations found to be proved, a *prima-facie* case may be made out against the accused persons, therefore, at this stage, the Court



should not interfere with the First Information Report.

Having heard learned counsel for the parties and on perusal of the records, this Court finds that in the First Information Report, the allegations are against the father-in-law and *Devar*, however, the name of the husband and *Munshi* who is doing *Pairvi* of the case have also been brought with some kind of allegations. Though the Court is not very much confident about the kind of allegations which have been made against them but at this stage, finding that the investigation is still going on and they will have an opportunity to place the entire facts, materials and evidences before the Investigating Officer, this Court is not interfering with the First Information Report.

This Court has come across a number of cases filed by both the parties against each other and in some of the cases finding that the First Information Reports are still under investigation has not interfered with the same with an expectation that the investigation will be completed within a reasonable time. This case is also of the year 2017, more than 1 year has gone and the allegations are not such that requires a number of years in investigation of the case. The Senior Superintendent of Police, Darbhanga (respondent no. 2) is, therefore, directed to take a review of the matter and ensure that the investigation of the case is



completed within next 60 days and a report be filed in this regard before the learned Court below.

This Court is not expressing any opinion and Investigation Officer will act independently on the basis of the findings recorded in course of the investigation but one thing must be made clear that the police authority whosoever is investigating the matter must ensure that the investigation is properly done and any party willing to falsely implicate each other must not succeed with the help of the Investigating Officer. The report of the Investigating Officer shall also be subject to the supervision by the Senior Superintendent of Police before filing in the learned Court below.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved/-

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