

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.857 of 2016

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Geeta Devi wife of Late Prem Kumar Singh Resident of Village- Ghanadih,
Police Station- Duraudha, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, Govt. of Bihar, Patna.
2. The Superintendent of Police, Siwan.
3. The Dy. S.P. Siwan, District- Siwan.
4. The Officer in charge, Duraudha, Police Station Duraudha, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-08-2018 This matter was passed over on Friday (10.08.2018)

also. Today, once again a prayer has been made for pass over.

However, learned counsel for the State submits that the matter is required to be heard and disposed off as it is remaining on the list for no plausible reason. Prayer for adjournment is, therefore, rejected.

The present writ application has been preferred for a mandamus to direct the respondent police authorities not to harass



and disturb the petitioner in illegal way in connection with Daraunda Police Station Case No.120 of 2013 registered under Sections 392/504 of the Indian Penal Code at the instance of the informant Balram Singh who is the priest of a temple. It appears that such police case has been registered against two named accused namely 1. Guddu Singh and 2. Niraj Singh on the allegation that they had stolen away the idol of Lord Ganesha. One of the accused Guddu Singh is the son of this petitioner.

It is the case of the petitioner that her only son is one Rikesh Singh who is working on the post of Constable at Madhya Pradesh and on the alleged date of occurrence her son Rikesh Singh was on his duty at Singrauli in the State of Madhya Pradesh. It is her case that son of the petitioner is Rikesh Singh and not Guddu Singh and therefore he cannot be made accused in the alleged F.I.R. even on mere suspicion. It is submitted that the police has formed a wrong opinion that the alleged idol was seized from the house of the petitioner. The petitioner has raised certain issues with regard to the seizure list also. It is her allegation that the petitioner is a widow and living in the village was being subjected to harassment without any basis.

On the other hand, a counter affidavit has been filed on behalf of the State. It is submitted in the counter affidavit that



the petitioner is wife of late Prem Kumar Singh, during investigation and supervision the case has been found true against the accused persons named in the F.I.R. It has come in course of investigation that the petitioner who is the wife of late Prem Kumar Singh has two sons namely (1) Rikesh Kumar Singh @ Guddu Singh and (2) Raj Kumar Singh. Certain entries made in the voter list have been referred in the counter affidavit. The counter affidavit further states that police has never tried to disturb this petitioner and no coercive step has been taken against the petitioner. The counter affidavit further discloses that the stolen idol of Lord Ganesha was recovered from the house of the petitioner and the petitioner had filed a compromise petition. The statements made in the counter affidavit that gold idol of Lord Ganesha was produced by the petitioner as pointed out by her son namely Guddu @ Rikesh has not been controverted by the petitioner.

In the given facts and circumstances of the case as this Court finds that the police authorities have come out with a specific statement that they are not taking coercive action against the petitioner, the apprehension of the petitioner that she is being disturbed and coercive action is likely to be taken against her is without any basis.



The writ application has, thus, no merit. It is,
accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

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