

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1086 of 2016

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Niru Devi @ Sarita Devi Wife of Late Santosh Choudhary, resident of
Village- Baruha, P.S.- Bagen Gola, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Buxar.
4. The S.H.O. Bagen Gola Police Station, District- Buxar.
5. Kishun Choudhary Son of Late Sukhlal Choudhary.
6. Ravi Choudhary Son of Nathuni Choudhary.
7. Baliram Choudhary Son of Late Mukhlal Choudhary.
8. Milu Choudhary Son of Late Mukhlal Choudhary.
9. Bir Bahadur Choudhary Son of Late Mukhlal Choudhary.
10. Ram Prawesh Choudhary Son of Ram Ekbal Choudhary.
11. Wakil Choudhary Son of Gauri Shankar Choudhary.
12. Chhotan Kumar Son of Hiranman Choudhary.
13. Nathuni Choudhary Son of Late Pratap Choudhary.
14. Dashrath Choudhary Son of Shiv Nandan Yadav.
15. Bijendra Yadav Son of Late Shiv Muni Yadav.
16. Sanjay Yadav Son of Late Lal Bahadur Choudhary.
17. Upendra Kumar Choudhary Son of Krishna Choudhary. Respondent No.
5 to 17 are resident of Village- Baruha, P.S.- Bagan Gola, District- Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Sc1-Md. Nashrul Hoda Khan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **21-08-2018** The petitioner seems to be aggrieved because

the police has not sent up all the named accused, in the

F.I.R., to trial. At least four persons to whom the petitioner



wanted to be sent up for trial were not sent up for trial. That is the reason the petitioner has moved this court now in the year 2016 complaining that the order dated 20.06.2011 by which the learned C.J.M. Buxar had accepted the charge-sheet is not correct. This court fails to understand as to how instead of pursuing her protest petition before the learned C.J.M. court and/or without submitting an application before the learned C.J.M. seeking for further investigation. Petitioner directly moved this court under Article 226 of the constitution of India. If there are materials and evidences with the petitioner to show that the other persons were also involved in the commission of offence, she may pursue her remedy before the appropriate court in accordance with law under the Code of Criminal Procedure.

At this stage, learned counsel for the petitioner submits that even against the charge-sheeted accused, who are absconding, police is not taking any steps to arrest them.

Let the petitioner file an application in the court of learned C.J.M. or the learned Judicial Magistrate where the case is pending in this regard, and on filing of such application, the learned C.J.M./Judicial Magistrate shall pass an appropriate order thereon directing the Investigating



Officer or the concerned police station to arrest the accused persons who are absconding in this case. The court below shall monitor compliance of the order.

The writ application stands disposed off accordingly.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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