

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1060 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Samastipur

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1. Simpi Kumari, W/o Rajkamal, D/o Krishna Chandra Kumar, R/o at present Vill.- Bahadur Patori, P.O.- Patori, P.S.- Shehpur Patori, District- Samastipur, Vill.- Adhalpur Dashahara, P.O.- Dih Dashahara, P.S.- Patori, District- Samastipur.
 2. Rajkamal S/o Shashi Bhushan Yadav, R/o Vill.- Adhalpur Dashahara, P.O.- Dih Dashahara, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Deputy Inspector General of Police, Darbhanga.
6. The Superintendent of Police, Samastipur.
7. The Deputy Superintendent of Police, Patori, District- Samastipur.
8. The Police Inspector Cum Officer Incharge, Sahpur Patori P.S., District- Samastipur.
9. The Investigation Officer, P.S. Shahpur Patori, District- Samastipur,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar
For the Respondent/s : Mr. Md. N.H. Khan(Sc-I)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-09-2018 The two petitioners before this Court are seeking direction to the Superintendent of Police, Samastipur and Police Inspector-*cum*-Officer Incharge, Sahpur Patori Police Station in the District of Samastipur not to take any coercive action against them on the basis of the F.I.R. lodged by the mother of petitioner no. 1. They are also seeking a Mandamus directing the authorities concerned to provide them adequate security and not to harass any of the family members of the petitioner no. 2.



It is the case of the petitioners that they are major and solemnized marriage inter-caste and for that reason the family of petitioner no. 1 is not happy and they may come out heavily in action. Learned counsel for the petitioner has drawn attention of this Court towards the supervision note of the Sub-Divisional Police Officer, Patori and submits that there are certain findings including that the father of petitioner no. 1 may commit some untoward acts against the petitioners.

The counter affidavit filed on behalf of the respondents states that the F.I.R. lodged by the mother of the petitioner no. 1 is still under investigation, however, in case the petitioner no. 1 wants to appear physically before the learned court below/police personnel, the police personnel will provide her full security and further action will be taken according to the order passed by the Hon'ble Court.

In the aforesaid view of the matter, for the present, in the facts and circumstances of the case, no notice is required to be issued to the private respondents. In case the petitioners file an application before the Superintendent of Police, Samastipur seeking protection and request him to provide them adequate security so that they can appear before the court below and make a statement before the learned Judicial Magistrate in terms



of Section 164 Cr.P.C., the Superintendent of Police, Samastipur shall provide such protection to the petitioners to enable them to visit the court room and make their statements.

Since some indications come in the report that these petitioners have got some threat to their life and liberty, the Superintendent of Police, Samastipur shall take appropriate steps and measures to ensure that these petitioners do not suffer because of any false implication and/or they are not caused injuries either to their body or to the family members of the petitioner no. 2. If such protection is required to them to protect their life and liberty, the Superintendent of Police shall issue necessary direction to the Officer Incharge of the police station within whose jurisdiction these petitioners are residing.

Until the completion of the investigation of the case, for the present, no coercive action shall be taken against them.

This application stands disposed off with the aforesaid directions.

(Rajeev Ranjan Prasad, J)

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