

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1314 of 2018
Arising out of P.S. Case No.-553 Year-2013 Thana- SUPAUL
District- Supaul

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Javahar Yadav, Son of late Kusum Lal Yadav, Resident of Village-
Dumariya, Ward No. 5, P.S. +District- Supaul.... ... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar Patna.
3. The D.I.G., Koshi Region, Saharsa.
4. The Superintendent of Police, Supaul.
5. The S.H.O. Supaul Police Station, Supaul.
6. The Investigating officer of Supaul, P.S. Case No. 553/2013

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Respondent/s: Mr. P.N. Sharma, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 29-06-2018

Heard learned counsel for the petitioner and the State.

According to the complaint, which was filed before the Court concerned, the writ petitioner along with his wife woke up in the morning to see that his daughter-in-law and two minor grandchildren were not in their house. Petitioner apprehends that she has been missing at the instance of the accused persons. The complaint case was referred by the Court concerned under Section 156(3) Cr.P.C. to the Police for investigation of the same upon



which Supaul P.S. Case No. 553 of 2013 was registered on 19.11.2013.

The grievance of the petitioner is that even after about five years there has been no recovery of his daughter-in-law and two minor grandchildren.

A counter affidavit has been filed on behalf of respondent no. 4 stating therein that Special Investigation Team (SIT) has been constituted in this case and it is also stated in paragraph 6 that in course of supervision it was revealed that husband of the alleged victim Sunita Devi namely Pramod Yadav has performed second marriage at Delhi and in retaliation Sunita Devi alongwith her children eloped with the named accused Mithilesh Hajra to Haryana and has married his younger brother Manoj Hajra. However, no confirmatory evidence against them could be collected till date as the lady is yet to be recovered but the SIT has been doing its best for recovery.

It is startling as to how the husband is not filing any petition for recovery of his wife and children and it is only the father-in-law who has come before us through this writ petition.

In such a situation, this Court would dispose of this writ petition directing the police authorities to make fruitful investigation and they should also do some investigation in



Haryana where, according to police itself, there would be a possibility of presence of the daughter-in-law and the two minor grand children of the writ petitioner.

However, if the petitioner, even after such efforts having been made, still feels aggrieved and would be of the view that proper investigation is not being done then he would be at liberty to move before the Court concerned in terms of the decision of the Apex Court in **Sakiri Vasu vs. State of U.P. & Ors** reported in **(2008) 12 SCC 409**, which was reaffirmed in **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and Ors** reported in **(2016) 6 SCC 277**. If the said application is filed then the Court concerned would be required to consider the same on its own merit and take a decision in accordance with law.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

Vikash/-

(S. Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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