

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.134 of 2017

Arising Out of PS. Case No.-187 Year-2015 Thana- VAISHALI District- Vaishali

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Ranju Devi, wife of Late Harendra Rai, Resident of Kachhi Pakki, Police
Station-Muzaffarpur Sadar, District-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home, Government of Bihar, Patna
2. The Inspector General of Police, Muzaffarpur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Station House Officer, Vaishali Police Station, Vaishali, District- Vaishali.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Shravan Kumar, Sr. Advocate
		Mr. Dinesh Maharaj, Advocate
For the Respondents-State:		Mrs. Prachi Pallavi, AC to AG

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 03-07-2019

This application has been filed by the petitioner for issuance of direction to the respondent authorities to investigate further Vaishali P.S. Case No.187 of 2015 dated 23.06.2015 registered under Sections 376 and 420 of the Indian Penal Code.

2. It has been submitted by Mr. Shravan Kumar, learned senior advocate appearing for the petitioner that the case was initially instituted as a complaint, which was referred to the police



for investigation under Section 156(3) of the Code of Criminal Procedure (for short 'CrPC') pursuant to which the first information report of Vaishali P.S. Case No.187 of 2015 was registered and investigation was taken up. He pleaded that the complainant of this case is a fictitious lady and no lady in the name of Radha Devi lives in village-Karza, District-Muzaffarpur. He contended that in this regard a representation was filed by the petitioner before the police officials on 21.09.2016 and a request was made to investigate the case further.

3. A counter affidavit has been filed on behalf of the State on 15.12.2017. Paragraph no. 8 to 12 of the counter affidavit reads as under:-

“8. That subsequently on a representation filed in the case, further investigation continued in which it transpired that there is no person by the name of Radha Devi, the so called informant of Vaishali P.S. Case No.187/15.

9. That in course of further investigation, the statement of the local sarpanch namely Meena Devi wife of Sri Rameshwar Ram was also recorded under section 161 CrPC. She also categorically stated that within her panchayat, to her knowledge there was no person by the name of Radha Devi wife of Ramdeo Paswan.

10. That in view of the above facts further investigation in the case is proceeding and appropriate directions have been given to the



investigating officer to conclude the investigation. It is expected that the investigation shall be concluded within three months. Progress report of the S.D.P.O., Sadar as well as Report 3 of S.P., Vaishali issued in the case is being brought on record.

11. That the prayer of the petitioner in the instant writ application is for a direction to the respondent authorities to further investigate Vaishali P.S. Case No.187/2015. In view of the statements and submissions made in the writ application and from the facts stated herein above it would transpire that in fact the authorities concerned have already proceeded to further investigate the matter and it is expected that the investigation will be concluded soon.

12. That in view of the facts stated above it is prayed that the writ application be disposed of.”

4. Having gone through the contents of the counter affidavit filed on behalf of the State, learned senior advocate appearing for the petitioner submitted that since the authorities have already realized the sensitivity of the matter and further investigation is being conducted in which *prima facie* it has been found that no person by the name of the Radha Devi, so called informant of Vaishali P.S. Case No.187 of 2015 lives in the village-Karza, Muzaffarpur, the writ petition may be disposed of, as the grievance of the petitioner has been redressed.



5. In view of the submission made above, the application is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2019
Transmission Date	06.07.2019

