

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.430 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- PIYAR District- Muzaffarpur

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Kundan Devi, Wife of Munna Mishra @ Sanjiv Mishra, R/o Village-
Sakriman, P.S.- Pear, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Range Muzaffarpur.
4. The Senior Superintendent of Police, Muzaffarpur.
5. The Deputy Superintendent of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Respondent/s : Mr.Partha Sarthy, GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 28-02-2019

On the basis of the written complaint filed by one Kailash Ram before the S.H.O. Pear Police Station on 09.04.2018, Pear Police Station Case No.51 of 2018 was registered for the offences under Sections 363, 376 (g), 323, 504/34 of the Indian Penal Code, sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against six persons including the husband and sons of the petitioner and others and investigation was taken up.



2. The petitioner has also been made an accused in the said police case.

3. The instant writ petition has been filed by the petitioner for directing and commanding the respondents to supervise the Pear P.S. Case No.51 of 2018 fairly and properly.

4. The contention of the petitioner is that though the investigating officer has conducted the investigation properly, the supervising officers are interfering into the honest investigation and are dictating the investigating officer to submit charge-sheet against the accused persons. Her further contention is that the entire case is false and the petitioner and almost all her family members have been implicated in the case with ulterior motive.

5. Learned counsel for the petitioner submitted that as a matter of fact the alleged victim out of her own sweet will left her home and had went to different places and nobody had either abducted her or ravished her, but on the basis of a fabricated story, the petitioner and her family members have been implicated in this case.

6. On the other hand, learned counsel for the State submitted that since the case is under investigation and investigation is not only supposed to be fair and impartial, but also confidential in nature, it is surprising as to why the petitioner can



reveal that the investigating officer has found the accused persons innocent, but the supervising officers are dictating the investigating officer to submit a charge-sheet against the accused persons.

7. I have heard learned counsel for the parties and perused the record.

8. The allegations made in the first information report are serious. Father of the alleged victim has alleged that her daughter was gang raped by accused Munna Mishra, Mohan Mishra, Rohit Mishra and Lakhan Mishra repeatedly on various dates at Muzaffarpur as also at several other places.

9. The allegations do attract ingredients of cognizable offence. To hold investigation into a cognizable offence is the statutory right of a police. At the stage of investigation, neither the accused nor the court has any say.

10. It has rightly been pointed out by the learned counsel for the State that investigation into a cognizable offence is confidential in nature. Save and except the ocular allegation made by the petitioner against the supervising officer, there is no material on the basis of which this Court may come to a conclusion that the investigation is tainted or the supervising



officer is interfering into investigation in order to falsely implicate some innocent persons.

11. At this stage, in the opinion of this Court, no case is made out for issuance of any direction to any of the respondents.

12. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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