

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.756 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- CHAKIA District- East Champaran

Rajeshwar Kumar, Son of Punit Sah, Resident of Village-Bakhari Najir, P.S.-
Mehsi, District-East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Deputy Director General of Police, Govt. of Bihar, Patna.
5. The Inspector General of Police, Trihut Range, Muzaffarpur.
6. The Deputy Inspector General of Police, Trihut Range, Muzaffarpur.
7. The District Magistrate, East Champaran, Motihari.
8. The Superintendent of Police, East Champaran, Motihari.
9. Investigating Officer of Chakiya P.S. Case No.332/2018, Chakiya P.S,
District-East Champaran, Motihari.
10. V. Babu Pillai, Son of Mutu Swami Pillai, Principal of South Indian Public
School, Bara Chakiya, P.S. Chakiya, District-East Champaran.
11. Ajit Pillai, Son of V. Babu Pillai, Superintendent of Hostel, South Indian
Public School, Kesharia Road, Barachakia, P.S-Chakiya, District-East
Champaran.
12. Karan Pillai, Son of V. Babu Pillai, Deputy Superintendent of Hostel, South
Indian Public School, Kesaria Road, Bara Chakia, P.S.-Chakia, District-East
Champaran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate
Mrs. Durga Kumari, Advocate
For the Respondent/s : Mr. Apurva Kumar, AC to GA-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 29-04-2019



Heard learned counsel for the petitioner and learned counsel for the State.

2. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for the following reliefs:-

(i) For issuance of criminal writ in the nature of Mandamus direction of Respondents to hand over the investigation of case i.e. Chakiya Police Station Case No.332 of 2018, District East Champaran to the another investigation authority or any other authority because no fair and proper investigation was done or possible by the Respondent No.8 and 9 because the have connivance with the Respondent No. 10 and 12.

(ii) For issuance of criminal writ in the nature of Mandamus directions to Respondents to make investigation of the case i.e. Chakiya Police Station Case No.332 of 2018 fairly and properly.

(iii) For issuance of criminal writ in the nature of Mandamus direction to Respondents to arrest Respondent No.10 to 12 immediately who are the accused persons of the Chakiya P.S. Case No.332 of 2018 and they are freely moving in support of Respondent No. 8 and 9.

(iv) For issuance of writ in the nature of Mandamus direction to Respondents to complete investigation and submit police report to take legal action against earring persons.



3. Learned counsel appearing for the petitioner submitted that the son of the petitioner aged about 13 years was living in the hostel of South Indian Public School, Bara Chakia. He died in a suspicious condition on 22.12.2018 while he was living in his hostel. An FIR being Chakiya P.S. Case No.332 of 2018 dated 22.12.2018 was registered in this regard against the Hostel Superintendent of the school. He submitted that till date, the Hostel Superintendent has not been arrested. The informant has lost faith in the manner of investigation being conducted in the case. He has also filed several representations to the superior police authorities, but still no action has been taken so far.

4. In view of the submissions made above, he pleaded that the investigation of the case be handed over to some other investigating authority so that a proper investigation may be conducted.

5. *Per contra*, learned counsel for the State submitted that the investigation of the case is being conducted in a fair and impartial manner. Save and except hypothetical presumption and wild suspicion raised by the petitioner, there is no material on the basis of which it can be said that the investigation is not being done in a fair and impartial manner.



6. Based on such submissions, learned counsel for the State submitted that no direction is required to be issued in the case for the present.

7. Having heard learned counsel for the parties and perused the materials on record, I find that the FIR has been instituted by the informant merely on suspicion for the alleged offence of murder. The petitioner has also brought on record a copy of the post-mortem report. From perusal of the post-mortem examination report, it would appear that no external or internal injury or any foul play could be detected by the doctor while conducting the autopsy. The doctor has kept his opinion reserved till the chemical analysis and histopathological examination report. In case, nothing unusual is found in the chemical analysis and histopathological examination report, the death of the child would be treated to be natural death. As the FIR has been instituted merely on suspicion, for the present, it cannot be said that the death of the son of petitioner was a natural death or it was a case of murder..

8. Under the circumstances, simply because the Hostel Superintendent has not been arrested by the police so far, no inference can be drawn that the investigation of the case is not being done in a fair and impartial manner.



9. In that view of the matter, I see no merit in this application. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.05.2019
Transmission Date	01.05.2019

