

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1790 of 2018

Arising Out of PS. Case No.-89 Year-2017 Thana- LODIPUR District- Bhagalpur

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Anuja Kumari @ Anuja Devi (wife of Santosh Kumar @ Abhilash Shankar),
Daughter of Sri Pradip Kumar Gupta, resident of Village- Malhdiya P.S.-
Pothiya, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police Bihar Patna.
3. The Inspector General of Police (Head Quarter and Administration) Bihar,
Patna.
4. Inspector General of Police Bhagalpur Division, Bhagalpur.
5. The Superintendent of Police, Bhagalpur.
6. The S.D.P.O. Lodipur, P.S. Lodipur, District- Bhagalpur.
7. The Office in Charge of Lodipur Police Station having its office at Lodipur,
P.S.- Lodipur, District- Bhagalpur
8. Diwakar Jayswal
9. Prabhakar Jayswal
10. Kripakar Jayswal

All 8, 9 and 10 are sons of Sri Jageishwar Prasad Singh, resident of
Village- Jamhara, P.S.- Rupauli, District Purnea.

11. Anil Kumar Jayswal son of Katil Jayswal (Bhagat), resident of village-
Ajhokopa, P.S. Raupauli, District Purnea (Shala of Diwakar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anju Mishra, Advocate
For the Respondent (Private) : Mr. Satish Kumar Singh, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-VIII

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-07-2019

This application under Articles 226 and 227
of the Constitution of India has been filed by the petitioner for
directing respondent no.6 to arrest respondent nos. 8 to 11 in



connection with Lodipur P.S. Case No.89 of 2017 registered under Sections 302 and 201 of the Indian Penal Code.

2. It is submitted by learned counsel for the petitioner that Lodipur P.S. Case No.89 of 2017 was registered on 12th July, 2017 on the basis of oral statement given by the petitioner which was recorded by S.H.O. of G.R.P.S, Bhagalpur. In the FIR the petitioner had reported about the murder of her husband having been committed by some unknown accused persons. It is submitted that subsequently the petitioner came to know that in the commission of murder of her husband private respondent nos. 8 to 11 were involved. She has brought the fact to the notice of the investigating officer, but till date the private respondents have not been arrested.

3. Per contra, learned counsel appearing for the State submitted that the case is being investigated by the police. Considering the sensitivity of murder of husband of the petitioner the investigation of the case has been reviewed by the Additional Director General of Police, Crime Investigation Department and certain directions have been issued by him which are being followed. He has contended that law is taking its own course and whosoever may be involved in the case would be dealt with in accordance with law.



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

5. The admitted facts of the case are that husband of the petitioner has been killed. At the time of institution of the FIR, the petitioner had no clue as to who the offenders are.

6. Since a cognizable offence has been reported to the police in accordance with Section 154(1) of the Cr.P.C. and the police have instituted a case and are conducting investigation, at this stage, the court has no role to play. In course of investigation, the investigating officer is required to collect materials and record statement of the witnesses under Section 161(3) of the Cr.P.C. and on that basis make an endeavor to find out who the offenders are. As the investigation into a cognizable offence is always supposed to be confidential, it would not be proper for this court to arrive at any conclusion regarding culpability or otherwise of any person against whom the informant (petitioner) has got suspicion of involvement in the commission of murder and issue direction to arrest him.

7. In that view of the matter, I am of the considered opinion that the prayer made by the petitioner to arrest the private respondents cannot be allowed. The



application is dismissed.

8. All pending interlocutory applications are
also disposed of.

(Ashwani Kumar Singh, J)

Md. S/-

AFR/NAFR	NAFR
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