

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.229 of 2020

Arising Out of PS. Case No.-301 Year-2019 Thana- RAJAON District- Banka

NIRMALA DEVI W/o Punit Sharma Resident of Village - Mahmdabad
(Imamali Lane), P.O.- Mirjanhat, P.S.- Majahidpur, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY
HOME DEPARTMENT GOVT. OF BIHAR, PATNA
2. The Director General Of Police,Bihar, Patna.
3. The Superintendent of Police (S.P.), Banka
4. The S.H.O., Nawada police station, Banka

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC 8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-02-2020 The petitioner has moved this Court seeking a direction to respondents no. 3 and 4 to add section 304B of the Indian Penal Code in the FIR giving rise to Rajaun (Nawada O.P.) P.S. Case No. 301 of 2019. The petitioner also prays for a direction to respondents no. 3 and 4 to record the statements of the prosecution witnesses and conduct proper investigation in the said case.

Learned counsel for the State has, at this stage, informed that in fact Section 304B IPC has been added to the FIR and the Police has already submitted a charge-sheet against one of the accused persons namely, Mahendra Sharma under the said provisions of the IPC. The investigation against other accused are pending at this stage and in case the petitioner is of the view that



the investigation is not being properly conducted, an appropriate direction may be issued to the Superintendent of Police, Banak (respondent no. 3) to look into the grievance of the petitioner and issue necessary direction to the Investigating Officer.

Having heard learned counsel for the petitioner and the State, this writ application is being disposed of with a direction to the Superintendent of Police, Banka (respondent no. 3) to look into the grievance of the petitioner and in case it is found that the I. O. is not conducting investigation properly, he would issue necessary directions either to the said I. O. or in case the I. O. is required to be changed an appropriate decision with respect thereto shall also be taken by respondent no. 3. This Court would, however, remind that the proper investigation of the case is a constitutional right of the petitioner and that must be ensured by the investigating agency.

Let the investigation of the case be conducted fairly and a police final report/final form be submitted within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application stands disposed of with the aforesaid directions.

(Rajeev Ranjan Prasad, J)

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