

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 807 of 2017

Arising Out of PS. Case No.-128 Year-2016 Thana- CIVIL LINE District- Gaya

Kabita Kumari Wife of Sri Sanjay Kumar Sinha, Resident of Mohalla-
Brahamasthan Maranpur, Gaya, P.S.- Bishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Police Department, Bihar, Patna- 1,
3. Deputy Inspector General of Police, Magadh Range, Bihar, Patna-1.
4. Senior Superintendent of Police, Gaya.
5. Station House Officer, Civil Lines Police Station, Gaya.
6. The Medical Superintendent, Anugrah Narain Magadh Medical College and Hospital, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Vivekanand Vivek, Advocate
For the Respondent/s : Mr Ravi Verma, AC to GP IV

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed with a prayer to investigate the Civil Lines Police Station Case No 128 of 2016 properly. The said case is in respect of a road accident leading to the unfortunate death of the petitioner's son. Learned counsel for the petitioner submits that the occurrence took place on 01.04.2016. On that day, as per the information gathered from her daughter, the petitioner came to learn that the deceased son Sriyansh Kumar was in fact taken away by his friend Anshu



Kumar. On the next date of alleged accident, Anshu Kumar was found hale and hearty whereas the petitioner's son, who has accompanied him, died in the road accident. It is in these circumstances, the petitioner seeks proper investigation in this case as it is suspected that the petitioner's son was in fact done to death and the same has been given a colour of accident. It is in these circumstances that a direction for fair and proper investigation is sought in the present case.

Learned counsel for the State draws the attention of this Court towards the order dated 26.08.2016 passed on the earlier writ petition filed by the petitioner for the same relief. The order has been passed in Cr W J C No 613 of 2016. The order of this Court dated 26.08.2016 reads as follows:

“

The grievance of the petitioner is that the police has not been investigating the case aforementioned properly inasmuch as the witnesses have not been examined and the statements of the victim have not been recorded, under Section 164 Cr P C, and that the Investigating Officer is trying to give the case a colour of accident, which is actually a case of murder.

Having considered the averments made in the writ petition and materials on record and upon hearing the parties, it is hereby directed that respondent No 4, namely, Senior Superintendent of Police, Gaya, shall enquire into the grievances raised in the writ petition



and do the needful in accordance with law so as to ensure proper, fair and effective investigation, in Civil Line (Gaya) PS Case No 138 of 2016, in such a way that no innocent person is harassed. The investigation shall be completed expeditiously, preferably, within a period of six months from today.

With the above observations and directions, this writ petition stands disposed of.”

This Court, in the earlier proceedings, has already issued a direction, for which the instant application has been filed. There is no scope of passing the order seeking the same direction in a successive writ petition which has already been issued in favour of the petitioner. If there is non-compliance of the direction passed in the earlier proceedings, remedies lie elsewhere.

This application is dismissed.

(Madhuresh Prasad, J)

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