

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 191 of 2020

Arising Out of PS. Case No.-875 Year-2019 Thana- SONEPUR District- Saran

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Banarasi Devi, Wife of Devki Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran

... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Dept. Of Home, Patna Bihar
2. The Director General of Police, Patna, Bihar
3. The Deputy Inspector General of Police Saran Division, Saran Chapra, Bihar
4. The Superintendent of Police Saran Chapra, Bihar
5. The S.D.P.O. Sonepur at Chapra, Bihar
6. The S.H.O. Sonepur at Chapra, Bihar
7. The Investigating Officer Sonepur at Chapra Bihar
8. Sujata Kumari D/O - Surendra Choudhary Resident of Village - Manjhauli, P.S.- Bidupur, District- Vaishali

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sabal Kumar Jha, Advocate
For the Respondents : Mr.Sheo Shankar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-02-2020 Learned counsel for the petitioner submits that

Sonepur P.S. Case no. 875 of 2019 for the offences alleged

under Section 376, 420 and 494 of the Indian Penal Code and

Section 3 and 4 of the Dowry Prohibition Act is nothing but a

kind of malicious prosecution of the petitioner.

It is submitted that the husband of the petitioner had

lodged Sonepur P.S. Case no. 57 of 2018 for the offences under

Section 347 and 365 of the Indian Penal Code alleging that his



son Sanoj Kumar had been abducted by some miscreants with an intention to marry him. It is submitted that the son of this petitioner had been married to one Reena Devi and at no point of time the marriage was performed with the respondent no. 8 Sujata Kumari.

Learned Counsel has in fact also submitted that from the statement made by respondent no. 8 under Section 164 Cr.P.C. it would appear that she has been participating in a conspiracy with her father to make out a false case against the son and other family members of this petitioner.

On the other hand, learned counsel for the State submits that the investigation of the case being Sonapur 875 of 2019 is still at nascent stage and during investigation it is open for the petitioner to bring all such materials on which she wants to rely to the notice of the investigating officer/supervising authority. It is submitted that this is not the stage where this Court sitting under Article 226 of the Constitution of India interfere with the investigation.

Having heard learned counsel for the parties and upon perusal of the records, in the nature of the submissions this Court while disposing of this writ application without entering into the merit of the contentions directs the Superintendent of



Police, Saran, Chapra (respondent no. 4) to supervise the case himself and issue necessary directions to the investigating officer including that to allow the petition and petitioner to participate in course of investigation and to bring all such materials which she may like to bring to the notice of the investigating officer to facilitate a just and proper investigation of the case.

The writ application, thus, stands disposed of with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

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