

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.92 of 2017

Arising Out of PS. Case No.-56 Year-2007 Thana- PATRAKARNAGAR District- Patna

Sushila Jha Wife of Shobha Nand Jha, Resident of Village- Koriahi, Police Station- Sursand, District- Sitamarhi, at present Road No.- 2, Sanjay Nagar, Postal Park, Police Station- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna.
5. The Officer-in-Charge Patrakar Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Advocate
For the Respondent/s : Md. Nadim Seraj, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 10-01-2020

Heard learned counsel for the parties.

2. The petitioner has prayed for following two
reliefs:

(i) Issuance of appropriate writ
commanding the respondents to produce the minor
sons of petitioner, namely, Kumar Ranjan Jha, who
was traceless since 15.01.1999.

(ii) Issuance of appropriate writ order or
direction commanding the authorities or direct for



investigation through independent agency of Patrakar Nagar P.S. Case No.56 of 2007 which was registered under Section 364 of the Indian Penal Code.

3. The petitioner initially filed Complaint Case No.1227C of 2005 before the learned Chief Judicial Magistrate, Patna, stating therein that on 15.01.1999 her son, aged about 11 years, had gone to purchase house hold articles in the market and thereafter he was missing. The complainant searched for her son and when did not get any trace she lodged Sanha No.761 dated 25.01.1999 with the Patrakar Nagar P.S. in the town of Patna. She further got the missing of her son aired by the radio and was always in contact with the police to trace out her son.

4. On 10.12.2004 the complainant came to know that during search she got information that her son was kidnapped by the named accused persons and the son is in the clutches of the kidnappers. The complaint was forwarded to the police and Patrakar Nagar Police Station P.S. Case No.56 of 2007 under Section 364 of the Indian Penal Code was registered.

5. After investigation the police did not find the allegation true against the named accused persons. However, on



the protest petition cognizance was taken by the Court-below and thereafter charge was also ordered to be framed. Against the order of refusal of discharge, the accused persons filed Cr. Misc. No.11999 of 2013 under Section 482 Cr.P.C. before this Court and by order dated 21.05.2015 this Court set aside the order of refusal of discharge and discharged the accused persons. Order dated 21.05.2015 aforesaid was challenged in SLP (Cri) No.16240 of 2015 which was dismissed by the Hon'ble Supreme Court on 28.09.2015. Thereafter, the present writ application has been filed.

6. In the aforesaid factual position, especially filing of a protest petition by the petitioner and discharge of accused in the complaint case, the present application for investigation through independent agency is a belated prayer. Hence, cannot be granted. Likewise, the police has already exercised its responsibility to trace out the missing boy though the matter was reported after several years. Therefore, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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