

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1880 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- MAHILA P.S. District- Nalanda

Sushil Kumar Sinha Son of Subhash Late Mahabir Prasad Mehta Resident of
Village-Nanura, P.O., P.S. and District-Nawada.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Deptt., Govt. of Bihar, Patna. Patna.
3. The Director General of Police, Bihar, Patna. Patna.
4. The I.G. Patna Range, Patna. Patna.
5. The DIG, Patna Range, Patna. Patna.
6. The Superintendent of Police, Nalanda. Nalanda.
7. The Dy.S.P. Nalanda. Nalanda.
8. The Officer in Charge, Mahila P.S., Biharsharif, Nalanda. Nalanda.
9. Rani Kumari Daughter of Jamuna Prasad, Wife of Sushil Kumar Sinha
Residing at Village-Baraith, P.S.-Katarisarai, District-Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Rakesh Narayan Singh Mr. Kanhaiya Pandey
For the Respondent/s	:	Mr. Dharendra Kumar, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2020 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

This application has been filed for directing the respondents to hold free and fair enquiry of Mahila PS Case No. 132 of 2019 in Nalanda district since due to malice and grudge the entire prosecution has been launched against the petitioner and his family but unfortunately no enquiry has been made by respondent Nos. 7 and 8.



The petitioner is an accused (husband of the informant). The prosecution case arising out of Mahila PS Case No. 132 of 2019 is substantially to the effect that the petitioner has been subjecting the informant to cruelty for demand of dowry and has made an attempt to kill her.

It is submitted by Counsel for the petitioner that prima facie the allegations are palpably false. The FIR has been instituted on 26.8.2019. About more than two months prior thereto the same informant (wife) had written to the District Magistrate, Nawada on 12.6.2019, wherein she has stated that she was living with her father. In the background of application dated 12.6.2019 the allegations made in Mahila PS Case No. 132 of 2019 regarding subjecting the informant to cruelty at her matrimonial home are therefore highly improbable and unsustainable.

The submission of Counsel for the petitioner is substantially to the extent that the prosecution story is false. At this stage, when the investigation is still under progress, this Court would refrain from making any comment either in favour of, or against the submissions advanced by petitioner's Counsel. The aspects are still being investigated by the investigating authority. No occasion is made out for interfering with the



investigation, nor is there any basis to arrive at an inference that the investigation was not proceeding in accordance with law or that there is any scope for interference in the investigation which is still going on.

No case is made out for interference on any ground. It is expected that the investigating agency will proceed with the investigation in accordance with law.

This application is dismissed.

(Madhuresh Prasad, J)

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