

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.412 of 2021**

Arising Out of PS. Case No.-12 Year-2016 Thana- MAHILA PS District- Gaya

SAMREEN D/O MOHAMMAD AZHAR Resident of House No.15, M.L.
Mullick Lane, Bari Road, P.S.- Gaya Civil Lines, Distt.- Gaya.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, GOVT. OF BIHAR, PATNA.
2. THE SUPERINTENDENT OF POLICE, GAYA, BIHAR
3. THE STATION HOUSE OFFICER, MAHILA P.S. GAYA.
4. THE INVESTIGATION OFFICER, MAHILA P.S., PATNA, MAHILA P.S. CASE NO.12/16 DATED 08.03.2016
5. NAGAMA @ RANI @ NAGHMA SHOIB D/O MD. SHOIB @ SHIBU Resident of Dargah Road, Karbala (Shanichra), P.S.- Sultanganj, Distt.- Patna.
6. MD. ASHRAF S/O MD. SHOIB @ SHIBU Resident of Mohalla - Dargah Road, Karbala, P.S.- Sultanganj, Distt.- Patna.
7. KUSH KUMAR @ KUSH KUMAR RAJPUT S/O SURENDRA KUMAR SINGH Resident of Village - Oxbridge Communication Centre, Swarajpuri, P.S.- Civil line, Distt.- Gaya.

... Respondents

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
: Ms. Priyanka Singh, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-07-2021 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Saroj Kumar Sharma, learned
A.C. to learned A.A.G. 3 for the State.

The present writ application has been filed for the following reliefs:-

A. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s directing the

Respondents for the following:-

- (i) Directing the Respondent Authorities to conduct a proper, neutral, unbiased, fair and transparent investigation in connection with Mahila P.S. Case No. 12/16 dated 08.03.2016 instituted for offences under Sections 376D/114/342/365/352/379/471/34 of the Indian Penal Code and Sections 66A/66E of the Information Technology Act, which has been pending investigation since 2016 vis-a-vis the Respondent Nos. 5 to 7.
- (ii) Further directing the Respondent Authorities to arrest the Respondent Nos. 5 to 7 and to ensure that the evidences related with the instant case are not tampered with and the witnesses are not harassed or threatened.

B. To any other relief/s which the Petitioner is found entitled to.

A counter affidavit has been filed on behalf of the respondents. It is stated in the counter affidavit that police has conducted investigation of the case against respondent nos. 5 to 7 in a proper, fair and legal manner and they have filed charge sheet against accused namely, Md. Neyaz. Warrant of arrest has been issued against respondent nos. 5 to 7 on 08.12.2016, raids have been conducted in the house of the accused Md. Ashraf, Md. Neyaz and Kush Singh Rajput @ Kush Singh. Proclamation has also been served on the house of Kush Singh

Rajput @ Kush Singh and Md. Ashraf. Attachment process has already been carried out.

Learned A.C. to learned A.A.G. 3 submits that at this stage now nothing remains for this Court and in view of filing of the charge sheet now learned court below will proceed with the same and appropriate steps may be taken in the learned court below.

Learned Senior counsel for the petitioner accepts that in view of filing of charge-sheet now he may take further steps in learned court below.

Considering the aforesaid submissions of learned counsel for the parties, this writ application is being disposed of with liberty to the petitioner to take appropriate steps in the learned court below and the learned court below shall take all endeavours to consider the request of the petitioner and pass appropriate order in accordance with law.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.