

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.94 of 2022

Arising Out of PS. Case No.-4 Year-2018 Thana- GOVINDPUR District- Nawada

Sadhvi Mandvi Bai D/o Sri Dayanand R/o Kharagpur, P.O.- Bijaura Gajraula,
P.S.- Moradabad, District- Moradabad, Uttar Pradesh, Pin Code- 244235, At
present R/o Mahugaon, P.S.- Govindpur, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary (Home Department), Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Addl. Director General of Police (Law and Order), Bihar, Patna.
4. The Addl. Director General of Police (Operation), Bihar, Patna Bihar
5. The Deputy Inspector General of Police, Gaya Range, Gaya, Bihar. Bihar
6. The Superintendent of Police, Nawada. Bihar
7. The Station House Officer, Govindpur, P.S., District- Nawada.
8. The Superintendent of Police, Shekhpura, Bihar
9. Kalpanath Choudhary S/O Not known R/O Lalganj, P.S.- Lalganj, District- Basti (U.P.)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Kumar, Advocate
For the State	:	Mr. N.H. Khan, SC -1
For the Resp. No. 9	:	Mr. Vijay Vardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-12-2022 Let the hard copy of the rejoinder filed on behalf of
the petitioner to the counter affidavit be accepted.

Heard learned counsel for the petitioner and learned
counsel for the State as also learned counsel for private
respondent no. 9.

Petitioner in the present case is seeking the following
reliefs:-

“(i) To issue appropriate writ, order or



direction commanding the respondents to immediately arrest the accused persons of bearing Govindpur P.S. Case No. 04 of 2018 who have committed rape on the petitioner.

(ii) To issue appropriate writ, order or direction commanding the respondents to immediately hold enquiry as to why the accused persons have not been arrested from 04.01.2018 to till date.

(iii) To issue appropriate writ, order or direction commanding the respondents to constitute an independent agency like Special Task Force (STF) or any other agency which this Hon'ble Court deem appropriate and further direct the agency to arrest the accused persons and investigate the matter and file charge sheet.

(iv) To award any other relief or reliefs for which the petitioner is found entitled in the fact and circumstance of the case.”

This Court has heard learned counsel for the parties. They have made allegations and counter allegations against each other. It would not be proper for this Court to go into the merit of the allegations at this stage when the investigation is still pending.

Let the Superintendent of Police, Nawada (Respondent No. 6) take appropriate steps to conclude the investigation within a reasonable period and submit a police report in the learned court below.

As regards the prayer for a direction to arrest the accused, this Court sitting in its writ jurisdiction in the facts of the present case finds no reason to issue specific direction to



that effect. It is always in the domain of the investigating agency to collect materials in course of investigation and if the arrest of an accused is required and it is found that there are sufficient materials to proceed against him, the investigating agency may take an appropriate decision in its own wisdom.

For the present, the petitioner is unable to demonstrate any glaring instance of bias or inaction on the part of the investigating agency.

Respondent No. 6 shall look into the matter and a proper and impartial investigation be done in the present case.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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