

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3209 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- EKMA District- Saran

Nitya Singh Wife of Uday Kumar alias Mukund Ji, resident of Village Parsagarh, P.S. Ekma, District- Saran.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home and Ors
2. The Superintendent of Police, Saran at Chapra.
3. The Officer in Charge, Ekma Police Station, Saran.
4. Ms. Indira Rani, The Investigating officer, Ekma P.S. Case No. 153 of 2018, P.S. Ekma, District- Sa
5. Tannu Kumari, Daughter of Kanhaiya Prasad, Village- Parsagarh South Tola, P.S. Ekma, District- Saran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ansul, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj GP-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2022 The petitioner in the present case is seeking a direction for investigation of Ekma P.S. Case No. 153 of 2018 registered under Sections 376(G), 506 of the Indian Penal Code and under Sections 4, 6 of the POSCO Act by an independent agency. He has alleged large scale lapses and biased attitude against the investigating agency.

As per the F.I.R. lodged by respondent no.5, the son of this petitioner is said to have committed rape upon her in the school on the point of knife. Apart from the son of the petitioner two other boys are mentioned in the F.I.R. She has alleged that when she told these facts to the Principal of the school, he



threatened her and forced her to wash the blood-stained cloths and sent her home. She did not told this to anybody but again after ten days when she went to school, the Principal told her to stay after the school was over. It is then alleged that he took her in the office of the school and raped her. In similar manner it is alleged that after 10-12 days, two teachers of the school committed rape on her in the office and kept on sexually exploiting. It then alleged that the son of the petitioner and other boys told their other friends who all kept on committing rape on her.

Petitioner submits that her son, her husband and other accused persons are innocent and have been falsely implicated in this case under an evil design framed by the father of the girl.

In this case a counter affidavit has been filed. It is stated that on the basis of the written statement of the victim girl F.I.R. has been lodged against nineteen named accused persons in which son and husband of the petitioner are also named. The victim girl has made her statement under Sections 161 Cr.P.C. and the case upon found true whereupon a chargesheet has been submitted against the accused persons.

It is submitted that after proper investigation chargesheet has been submitted and now the accused persons



will have opportunity to prove themselves innocent in course of trial.

In the given facts and circumstance of the case when this Court considers the materials available on the record, this Court finds that at this stage the investigation of the case is over. The petitioner has not shown any specific ground for ordering investigation by another agency.

In case the accused persons are aggrieved by lodging of the F.I.R. and submission of the chargesheet, they may challenge the same in an appropriate proceeding before the competent court of law. In case they are so advised, they can also file an application seeking further investigation of the case either before the competent police officer including respondent no. 2 or in the learned Court below in terms of Section 173(8) Cr.P.C.

This writ application is disposed of with the aforesaid observations.

(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'.

