

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL CHAMBERS VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.697 of 2017**

Arising Out of PS. Case No.-127 Year-2016 Thana- SAHIYARA District- Sitamarhi

Nirmala Devi, Wife of Shri Raj Mangal Sahani, Resident of Village- Sahiyara
Sahani Tola, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Sitamarhi.
4. The Deputy Superintendent of Police, Sitamarhi Sadar, Sitamarhi.
5. The Investigating Officer through the Station House Officer, Sahiyara Police Station, District- Sitamarhi.
6. Ram Ishwar Sahni, son of Jindal Sahani, resident of village – Sahiyara, P.S. - Sahiyara, District – Sitamarhi.
7. Sikandar Sahani, son of Sita Sahani, resident of Village- Sahiyara, P.S. - Sahiyara, District- Sitamarhi.
8. Shambhu Sahani, son of Pachchu Sahani, resident of Village- Shrinagar, P.S. - Mejarganj, District – Sitamarhi.
9. Bechan Sahani, son of Uttam Sahani, resident of Village- Narha, P.S. - Sahiyara, District -Sitamarhi.

... .. Respondents

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP 5

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-09-2022 No one appears for the petitioner. Mr. Iqbal Asif Niazi,

learned AC to GP 5 is present for the State.

Since this application is of the year 2017 and has already remained pending for more than 5 years and also even on the last occasion, learned counsel for the petitioner was not present but this Court had adjourned the matter by way of last indulgence, this Court proposes to dispose of writ application on its own merit on the basis of the materials available on the record.

This writ application has been filed seeking a writ in the



nature of the Writ of Mandamus commanding the respondents for further investigation of Sahiyara P.S. Case No. 127 of 2016 dated 30.09.2016.

The case was registered under Section 302, 201/34 IPC against unknown miscreants on the basis of fardbeyan of the petitioner. She had alleged that on hullah that the dead body of her son Bigu Sahni was hanging by a Shisham tree on western side of her house, she went there and found the dead body of her son. She alleged that her son was murdered elsewhere but with a view to extinguish the evidence, the dead body was hanged there.

The petitioner claims that several witnesses have supported the said occurrence and specific statements have been made before the police that the private respondents had murdered the son of the petitioner namely Bigu Sahni but the investigating agency has not recorded the statements under Section 161 Cr.P.C. and submitted a chargesheet against only one person namely Ram Ishwar Sahni.

On perusal of the writ application, this Court finds that the petitioner had submitted a representation before the Director General of Police, Bihar, Patna on 03.03.2017 vide Annexure '4' to the writ application in which she claimed that the case requires further investigation.

A counter affidavit has been filed in this case wherein it is stated that after completion of investigation, the Investigating Officer



has submitted chargesheet no. 02/17 dated 15.01.2017 against the non-FIR accused Ram Ishwar Sahni.

This Court further finds that after filing of the chargesheet with which the petitioner was not satisfied, she had not filed any application in the learned court below seeking further investigation of the matter. No prima-facie material has been brought to the notice of this Court showing that the investigation has not been conducted in a proper manner.

This Court, therefore, refrains from giving any direction to the respondent authorities but it is left open for the respondent authorities to take a view in the matter if and when any plausible material comes to their notice necessitating further investigation. This should, however, be not taken as a direction of this Court as it is always in the domain of the respondent authorities.

This 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'.

