

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.162 of 2022**

Arising Out of PS. Case No.-70 Year-2020 Thana- BHITAHA District- West Champaran

RAMBHA DEVI W/o- late Ravindra paswan Resident of Vill - Mundadih  
Bazar, P.S. - Bhitaha, District - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Collector, west Champaran at Bettiah .
3. The Superintendent of Police, Bagaha, District - West Champaran.
4. The Deputy Superintendent of Police, Bagaha, District - West Champaran.
5. The officer- In- Charge of Bhitaha, Police Station, District - West Champaran.
6. The investigating officer of this case, Police Station Bhitaha, District - West champaran.
7. Anil Yadav S/o- Ramyan Yadav Resident of Vill - Muradih, P.S. - Bhitaha, District - West Champaran.
8. Bodar Yadav S/o Ramayan Yadav Resident of Vill - Muradih, P.S. - Bhitaha, District - West Champaran.
9. Bhim Yadav S/o- Prahlad Yadav Resident of Vill - Muradih, P.S. - Bhitaha, District - West Champaran.

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Murari Sharan Tiwari, Advocate  
For the Respondent/s : Mr.Anil Kumar, AC to SC-8

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

2      11-10-2022                      Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Heard learned counsel for the petitioner and Mr. Anil Kumar, learned AC to SC-8 for the State.

Petitioner, in the present case, is seeking proper investigation of Bhitaha P.S. Case No. 70/2020 registered for the



offences under various sections of the Indian Penal Code including Section 302 I.P.C. and under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. She is also praying for a direction to the official respondents to arrest the accused persons of this case and submit a police report after completion of investigation.

According to the petitioner, her husband was assaulted by two persons namely, Anil Yadav and Bodar Yadav and they killed the husband of the informant whereas her Dewar got injured in the said occurrence.

Learned counsel for the petitioner submits that despite there being specific allegation against the named accused persons, they have not been arrested.

On the other hand, a counter affidavit has been filed stating therein that in course of investigation it has been found that the husband of the petitioner has not been murdered by any of the named accused persons. The investigation reveals that it is a case of death after an accident with which the victim met on 25<sup>th</sup> of May 2020 along with one Vijay Paswan. According to the Investigating agency, there are cogent evidences to this effect. It is for this reason that the accused persons named in the F.I.R. have not been arrested. From the counter affidavit, it



appears that the investigation of the case is complete and it has been found to be a case of ‘mistake of fact’.

At this stage, learned counsel for the petitioner submits that the informant – petitioner has filed a protest petition in the court of learned Chief Judicial Magistrate and the same is pending.

In the given facts and circumstances of the case, while this Court would direct the Superintendent of Police, West Champaran to ensure filing of police report in terms of Section 173 Cr.P.C. upon conclusion of investigation as early as possible, this Court leaves it open to the petitioner to pursue her protest-complaint petition in the learned court below in accordance with law.

This writ application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

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'.

