

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.362 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- RAJEPUR District- East Champaran

1. XXX Daughter of Premlata Sinha represented through her mother namely Premlata Sinha, Resident of Village- Mangla Gauri, Chand Choura, Police Sation - Gaya, District - Gaya, Presently residing at Village - Naraha, P.S.- Rajepur, District - East Champaran.
2. Premlata Sinha wife of Biresh Kumar Sinha Resident of Village- Mangla Gauri, Chand Choura, Police Sation - Gaya, District - Gaya, Presently residing at Village - Naraha, P.S.- Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Director General Of Police, Govt. Of Bihar, Patna
2. The Director General of Police, Govt. of Bihar, Patna.
3. Superintendent of Police, East Champaran, Motihari.
4. Sub - Divisional Police officer, Pakdi Dayal, District - East Champaran. Bihar
5. Investigating officer cum Inspector of Police, Police Circle- Madhuban, District - East Champaran. Bihar
6. Station House officer, Police Station- Rajpur, District - East Champaran. Bihar
7. Lalan Kumar, Sub Inspector of Police Son of not known Presently S.H.O. of Rajepur Police Station, District - East Champaran.
8. The Editor-In- Chief, News4Nation Media Private Limited At-18, Sri Krishna Nagar, Main Road, Near Hotel Nesh Inn, Kidwaipuri, P.S. - Kotwali, Patna, 800001.
9. Kaushalendra Priyadarshi, Director, News4Nation Media Private Limited, IAS Colony House No. 20, Kidwaipuri, P.S. - Kotwali, Patna, 800001.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Prabhat Kumar, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC-1
For the Resp. No. 8 & 9	:	Mr. Prince Kumar, Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 13-12-2022 Learned counsel for the petitioners is permitted to
remove the defects by tomorrow.



Let the hard copy of the writ petition be taken on the record. Learned counsel for the petitioners submits that with the filing of the hard copies all the defects pointed out by the stamp reporter stand removed.

Heard Mr. P.N. Shahi, learned senior counsel for the petitioners, learned counsel for the respondent no. 8 & 9 and learned AC to SC-1 for the State.

Petitioners, in the present case, are seeking the following reliefs:

“1(i). To direct the Director General of Police, Bihar (Respondent no. 02) as to issue necessary directions to the Superintendent of Police, East Champaran, Motihari, to ensure that the identity of Petitioner No. 1 (alleged victim) be not disclosed further to the Media and public and for taking necessary steps to protect her ‘Right’ to Life with ‘Privacy’ envisaged under the constitution of India and also to protect her from humiliation, embarrassment and threatening at the hands of local police.

(ii) To direct the Director General of Police, Bihar (Respondent No. 02) as to issue necessary instructions to the Superintendent of Police, East Champaran, Motihari, to get the statement of petitioner no. 1 recorded before the Magistrate in terms of Section 164 of the CrPC so that she could save her life with dignity and get rid of embarrassing situations to answer the obscene and shameless questions repeatedly being put by the Police officers under garb of interrogation under investigation stage.

(iii) To direct the Director General of Police, Bihar



(Respondent No. 02) to monitor the investigation himself and get the case supervised by a senior police officer above the rank of Superintendent of Police, East Champaran, Motihari.

(iv) To direct the Director General of Police, Bihar (Respondent No. 02) for taking necessary legal steps in terms of Section 22 and 23 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the POCSO Act) against the erring Police Official who are the respondents herein, and the Media people including Respondent No. 07 and 08.

(v) To grant any other relief or reliefs, which may deem fit and proper in the facts and circumstances of the case.”

The grievance of the petitioners is that the statutory authorities who are obliged to follow the procedures prescribed under the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the “POCSO Act”) and the Rules framed thereunder are not following those procedures. As a result of non-observance of those procedures, the privacy and confidentiality of the victim of the crime are being regularly breached.

The petitioners have made allegations against the Media (Respondent nos. 8 & 9) saying that they are also violating the provision contained in Section 23 of the ‘POCSO Act’ and they are not showing restraint in publishing the news making disclosure of the identity of the petitioner no. 1.



In the nature of the complaints made in the writ application and the reliefs prayed thereunder, the parties are unanimous that this complaint may be examined at the level of the Director General of Police, Bihar, Patna (Respondent No. 2) and upon examining the complaint of the petitioners, if it is found that the police authorities as well as the Media are acting in breach of the provisions of the POCSO Act and the Rules thereunder, appropriate directions be issued not only by way of future guidelines but also to take consequential actions against the erring police officials and the Media Houses.

This Court finds that the reliefs prayed in the writ application are innocuous in nature and there cannot be any quarrel with the submissions advanced on behalf of the petitioners that the provisions of the POCSO Act and the Rules framed thereunder are in the nature of a special statute to deal with the offences against a 'child', it protects the identity and dignity of the victim and of a child who is in need of care and protection. The provisions contained therein are required to be followed in their terms and spirit. The POCSO Act provides for penal provisions as well for violation of the provisions of the Act.

In the circumstances above, this Court directs the Director General of Police, Bihar, Patna (respondent no. 2) to look into the grievance of the petitioners, examine the same and



issue appropriate instructions and directions, as may be deemed just and proper in the facts and circumstances of the case. The respondent no. 2 is directed to issue guidelines to the police authorities to strictly abide by the provisions of the Act and the Rules whereunder the identity of the victim and a child in need of care and protection and his/her family should not be disclosed in public domain and the police officers or anybody else who may be found involved in violating the provisions of the Act are liable to be proceeded against.

Let such decision be taken by the Director General of Police, Bihar, Patna (respondent no. 2) within a period of three weeks from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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