

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.521 of 2022

Arising Out of PS. Case No.-505 Year-2021 Thana- PATRAKARNAGAR District- Patna

KRISHNA KUMARI D/o Late Bhuvneshwar Singh Resident of Prabha Bhawan, Hanuman Nagar, Navneet Colony, P.S.- Patrakar Nagar, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna, Bihar.
4. The Officer in- Charge of Patrakar Nagar Police Station, Patna, District-Patna.
5. Ashok Kumar S/o not Known Resident of Hazurabad Garhi, Post Aminagar Sarai, P.S.- Singhawali Ahir, District- Bagpat, Uttar Pradesh.
6. Nitin Kumar @ Nitin Ujjwal S/o Ashok Kumar Presently posted as police Constable at Rampur Janpad.

... .. Respondents

Appearance :

For the Petitioner/s	:	In Person Ms. Anukriti Jaipuriyar, Advocate
For the Respondent/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-10-2022 Heard learned counsel for the petitioner, Ms. Anukriti Jaipuriyar who has appeared at the instance of Patna High Court, Legal Aid Services for the petitioner and Mr. Saroj Kumar Sharma, learned AC to AAG-3 for the State.

Petitioner in the present case is the victim girl who has lodged Patrakar Nagar P.S. Case No. 505 of 2021 dated 06.09.2021 under Sections 354/469/493/500/506.

It is her case that she has been duped and cheated by the named accused who is posted as a police Constable in Uttar



Pradesh Police at Rampur Janpad. It is her case that he had called upon the petitioner at Lucknow and committed rape on her and thereafter regularly and continuously tortured her physically and mentally in various ways.

From the first information report, it appears that she had developed friendship with the named accused on facebook whereafter the alleged occurrence took place in February, 2019. The FIR has been registered on 06.09.2021.

The petitioner who is present in person with the learned Advocate has submitted before this Court that the I.O. of the Patrakar Nagar Police Station who is In-charge of this case is not conducting the investigation in fair and impartial manner. He does not behave well with the petitioner and she is pressurized to give in writing something which she does not agree. It is her grievance that the case has remained pending so far without there being any progress with the investigation.

Learned counsel for the petitioner submits that in the given facts and circumstances, the case may be handed over to the Criminal Investigation Department, Government of Bihar for conducting proper and fair investigation.

Mr. Saroj Kumar Sharma, learned AC to AAG-3 appears for the State and having gone through the materials



present in the writ application, he does not oppose the prayer to get the matter investigated through C.I.D.

Having regard to the aforesaid submissions, this Court directs the Additional Director General of Police, C.I.D. to take over the charge of investigation of the case and ensure that the investigation proceeds and be concluded in free, fair and impartial manner within a reasonable period. The I.O. of the case shall be changed and the C.I.D. will get the matter investigated by deputing some other I.O. having credibility.

This 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'.

