

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.652 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- AGAMKUAN District- Patna

=====

Karmi Devi, Wife Of Lokhan Ray, R/O- Vill- Naya Tola Madhopur, Ward No
10, Bakhtiyarpur P.S.- Bakhtiyarpur, Dist-Patna Petitioner
Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
 2. DG of Bihar Police, Bihar, Patna
 3. IG Patna
 4. SSP Patna
 5. SP City Patna
 6. SHO Of Agamkuan Police Station, District- Patna
 7. Investigating Officer of Agamkuan, PS Case No- 226/22 Dated 18-03-2022
Through SHO of Agamkuan Police Station, District-Patna
... .. Respondents
- =====

Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC-8

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-11-2022 Heard learned counsel for the petitioner and the learned
AC to SC-8 for the State.

In this writ application, the petitioner is seeking a direction to the respondents to conduct investigation of Agamkuan P.S. Case No. 226 of 2022 dated 18.03.2022 under Section 365 IPC and recover the son of the petitioner Govind Kumar @ Tuntun who is said to be traceless from 16.03.2022. The grievance of the petitioner is that police is not conducting proper investigation of the case.

A counter affidavit has been filed wherein it is stated by the Senior Superintendent of Police, Patna that he has supervised



the case and interacted with the Investigating Officer whereupon a final order as contained in Memo No. 5117 dated 9th November, 2022 (Annexure 'A' to the counter affidavit) has been issued. According to the SSP, Patna, the son of this petitioner is an accused in Pandarak P.S. Case No. 20 of 2020 and in order to evade his arrest, he is concealing himself and has left the known place. It is stated that the present case has been lodged in planned manner saying that the son of the petitioner has been missing and is traceless. The Investigating Agency has found that it is a case based on mistake of fact. Accordingly, a direction has been issued to submit a police report under Section 173(8) Cr.P.C.

Having regard to the facts and circumstances of the case and in the nature of the submissions given on behalf of the Investigating Agency, this Court finds no reason to further proceed with this writ application.

The remedy of the petitioner lies in the learned court below upon filing of the police report. She may pursue the same.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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'.

