

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.880 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

PRATIBHA DEVI W/O SUJIT KUMAR, Resident of village- Digghi Kala,
West, P.S.- Hajipur Sadar, District- vaishali.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Deptt. of Home and Affairs, Bihar, Patna
2. The Director General of police, Bihar Patna
3. The Inspector General of Police, Tirhut Division at Muzaffarpur.
4. The District Magistrate, Vaishali at Hajipur
5. The Superintendent of Police, vaishali at Hajipur
6. The Sub-Divisional Prosecuting Officer, Mahua, District- Vaishali.
7. The Station Head Officer, Hajipur Sadar Police Station
8. The Investigating Officer, Hajipur Sadar P.S., at Hajipur
9. Nitesh Kumar S/O Vinod Singh, Resident of Gandhi Lane No.03 West Panchshil Nagar, Danapur, District- Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Soni, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Petitioner, in the present case, is seeking a direction to the respondent authorities to conduct free and fair investigation of Hajipur Sadar P.S. Case No. 93/2021 registered for the offences under Sections 420/406/467/468/387/379/341/323/504/506//34 of the Indian Penal Code.



Learned counsel for the petitioner submits that petitioner and her husband have been made accused. Learned counsel submits that the present case has been lodged against the husband and father-in-law of the petitioner, she has moved this Court in this writ application when her husband was in judicial custody.

Learned counsel submits that in course of investigation the S.D.P.O., Mahua has recorded his observations and directed the investigating officer of the case to conduct the investigation on further points but despite the direction of the supervising authority, the I.O. is sitting over the matter and the investigation has been kept pending.

Learned counsel for the State submits that in such circumstance the Superintendent of Police, Vaishali at Hajipur (respondent no. 5) may be directed to take an appropriate view of the matter.

Having regard to the facts and circumstances of the case, at this stage this Court directs the respondent no. 5 to supervise this case and if it is found that the I.O. of the case is sitting over the matter and is not investigating the case in a free and fair manner, he will consider changing the I.O. The respondent no. 5 shall further ensure that proper investigation be carried out within a reasonable period and a report be submitted



to the learned court below.

This writ application stands disposed of accordingly.

Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

