

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.401 of 2020

Arising Out of PS. Case No.-18 Year-2017 Thana- PAKARIBARAW District- Nawada

SIHANTA DEVI Wife of Ramwarat Yadav Resident of Village - Keshauri
Bishanpur, P.S.- Pakribarwan, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police Govt. of Bihar, Patna. Bihar
2. The Deputy Inspector General, Magadh Range, Gaya
3. The Superintendent of Police, Nawada.
4. The Deputy Superintendent of Police, Nawada.
5. The Sub Inspector cum I.O., P.S.- Pakribarwan, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

11 28-02-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has preferred this application for directing the respondent authorities specially the Superintendent of Police, Nawada to conduct proper investigation in the case in connection with SC/ST Case no. 98 of 2017 (arising out of Pakribarwan P.S. Case no. 18 of 2017), to comply with the order dated 8.1.2018 contained in memo no. 70 of the DIG, Magadh Range, Gaya for further investigation and to submit report, the directions not having been complied within even after the delay of more than three years causing wrongful imprisonment of the



petitioner's husband and for further reliefs.

From the materials on record and from the submissions made on behalf of the parties, it transpires that the case has proceeded in the learned trial court, charge has been framed and the case is at the stage of evidence of prosecution witnesses.

It is submitted by learned counsel for the petitioner that the Superintendent of Police not having placed the investigation conducted and the material collected in the RINPAS, Kanke Hospital, Ranchi by the Investigating Officer, has acted in a manner prejudicial to the husband of the petitioner. Further no independent witness has been examined on behalf of the prosecution.

It is submitted by learned counsel for the State that a counter affidavit has been filed on behalf of the Superintendent of Police, Nawada stating therein that on investigation of the case registered against the husband of the petitioner and others, the case was found to be true and chargesheet submitted. The trial of the husband of the petitioner has commenced and the same is fixed for evidence as per report dated 24.12.2021 received from the Spl. P.P., SC and ST (POA) Act, Nawada.

It further transpires that the points being raised by the



petitioner herein, further relates to the alibi of the husband of the petitioner that he was not present at the place of occurrence. No such petition has been filed by the petitioner in the learned trial court.

This application stands disposed of with a liberty to the petitioner to move the trial court for the reliefs prayed for in the instant application and if such an application is filed in the court below, the same be decided in accordance with law within a period of three months from the date of its filing.

It goes without saying that the trial in the learned trial court will not be stayed as a result of filing or pendency of any petition filed on behalf of the petitioner.

(Partha Sarthy, J)

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