

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1116 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- SULTANGANJ District- Patna

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Dilip Kumar Saha S/O Sri Jyotin Saha R/O Village-Sanmani, P.S.-BARHET,
District-Sahebganj (JHARKHAND), Presently Residing At House Of Uma
Shankar Sah, R/O Bhagirathi Lane, P.S-Sultanganj, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Deptt. of Home (POLICE), Govt. of Bihar, Patna.
2. The Director General of Police, Govt. Of Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Patna.
5. The Senior Superintendent of Police, Patna.
6. The City Superintendent of Police, Patna.
7. The Deputy Superintendent of Police, Patna City, Patna.
8. The Station House Officer, Sultanganj P.S, Patna.
9. The Investigating Officer In Sultanganj P.S. Case No.76 of 2020, P.S-Sultanganj, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Respondent/s : Mr. Fazle Karim, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and Mr. Fazle
Karim, learned AC to SC-1 for the State.

Petitioner in the present case is seeking a direction to
the respondent authorities to properly investigate Sultanganj P.S.
Case No. 76 of 2020 dated 01.03.2020 registered under Sections
363, 365 of the Indian Penal Code and further direction to add
Sections 302 and 120B of the IPC.

On the last date after hearing learned counsel for the



petitioner, this Court called upon the Senior Superintendent of Police, Patna (Respondent No. 5) to supervise the case and issue necessary instructions to the I.O. He was also directed to file a comprehensive counter affidavit.

Today, a counter affidavit has been filed. In paragraphs '12', '13' and '14' of the counter affidavit, the following statements have been made:-

“12. That during investigation the named accused Sujit Kumar was apprehended, and his confessional statement was recorded who disclosed the sequence of the entire occurrence that he was in love with one Sunita Hembrom @ Hasda and thereafter married with her and started staying together whereafter her sister, namely, Gudiya Hembram also joined them and started staying with the family. It is also disclosed that along with her one boy used to visit the house frequently and upon query she disclosed that his name is Diwakar (the victim) and he is related to her sir. It is also disclosed that the boy continued to frequently come at his house, and he developed illicit relationship with wife of accused Sujit Kumar. It is also disclosed that later Diwakar married Sujit Kumar's wife and that led to the entire incident with the assistance of other accused (Not named), namely, Arvind Kumar, Rakesh Kumar, the two friends of Sujit Kumar and the victim was done away to death by pressing his neck in Bettiah and his body was thrown away there.

13. That the investigating officer of the case also filed a supplementary Charge Sheet under C.S. No. 134 of 2021 dated 3.7.2021 under Sections 363/365 of IPC against named accused Sujit Kumar and not named accused Sunita Hembrom @ Hansda on 3.7.2021.

14. That the answering respondent no. 5 after



examining the case records found that the case is true against the named accused Sujit Kumar, as well as not named accused persons, namely, Sunita Hembrom, Poonam Devi, Ranjit Prasad, Arvind Kumar, Rakesh Kumar under Sections 363/364/302/120-B of IPC.”

At this stage, learned counsel for the petitioner submits that police has not investigated the case from the given angle. It is stated that on 21.04.2021, wife of the informant had received a phone call from the mobile no. 9113356865. The caller identified himself as driver of the vehicle and informed her that her son has been killed by strangulating him by his neck and his dead body has been thrown out in a bush on the road side of the road going to Bettiah. He claimed that the Indica Car in which his son was being carried was being driven by him. He further claimed that the dead body was recovered by the police and the said news was published on 25/26.02.2020 in Dainik Jagran and Hindustan Daily Newspapers. Learned counsel submits that had these aspects been taken into consideration, the I.O. could have found information relating to dead body by the concerned police station and some more leads could have been available.

Learned counsel for the State submits that police has investigated the case and so far as the grievance of the petitioner that it has not been investigated from a particular point of view



is concerned, it is to be left to the wisdom of the investigating agency.

Having regard to the facts and the materials noted hereinabove, this Court is of the considered opinion that the S.S.P., Patna shall give a hearing to the petitioner within three weeks from today and examine her statement and the claims particularly from the point of view as to whether it may help the investigation in reaching to a just and proper conclusion. This Court leaves it to the wisdom of the investigating agency to take a view thereon after giving an opportunity of hearing to the petitioner.

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'.

