

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1151 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Rinku Devi @ Rinki Devi W/O Late Manoj Roy R/O Madhopur Narayanpur,
Ps-Bihta, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home Deptt., Govt. Of Bihar, Patna.
3. The Director General Of Police, Bihar, Patna
4. The Senior Superintendent Of Police, Patna.
5. The Superintendent Of Police (Rural), Patna.
6. The Deputy Superintendent Of Police, Danapur, Patna.
7. The Station House Officer, P.S.-Bihta, District-Patna.
8. Pramod Kumar S/O Late Laldeo Roy R/O Madhopur Narayanpur, Ps-Bihta, District-Patna.
9. Tanu Devi W/O Pramod Kumar R/O Madhopur Narayanpur, P.S-Bihta, District-Patna.
10. Dharmsheela Devi W/O Late Laldeo Roy R/O Madhopur Narayanpur, P.S-Bihta, District-Patna.
11. Surendra Roy S/O Raja Roy R/O Village-Shahmatpura, P.S-Naubatpur, District-Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav, Advocate
For the Respondent/s : Mr.Iqbal Asif Niazi, AC to GP5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and Mr.

Iqbal Asif Niazi, learned AC to GP-5 for the State.

Petitioner, in the present case, is seeking following
reliefs:

“(i) For issuance of an appropriate writ/order/direction to the
official respondents to register Bihta Police Station Case No. as
First Information Report for the offences under Section 302
and other relevant sections of the Indian Penal Code in place of
Bihta Police Station U.D. Case No. 09 of 2021 dated



16.04.2021 on the basis of written report of the petitioner on 16.04.2021.

(ii) For issuance of an appropriate writ/order/direction to the official respondent to make proper investigation registering First Information Report on the written report of petitioner dated 16.04.2021 who are sitting over the written report of the petitioner dated 16.04.2021 registering as Bihta Police Station Case No. 09 of 2021.

(iii) For issuance of an appropriate writ/order/direction to the higher police authorities to enquire into the conduct of S.H.O. Bihta who has registered Bihta U.D. Case No. 09 of 2021 dated 16.04.2021 on the written report of petitioner in which heinous crime offence with regard to murder has been alleged by giving poison in tea cup by youngest brother and the brother of wife of the youngest brother who are respondent no. 8 to 11.

(iv) For issuance of an appropriate writ/order/direction granting any other relief or reliefs for which the petitioner is found entitled.”

Learned counsel for the petitioner submits that husband of the petitioner, being the elder son of late Laldeo Rai, has been killed by administering poison. It is stated that her husband was invited on Tea in the morning of 16.04.2021 by his younger brother where after taking Tea he went to the field and after some time it was reported by a person that he was lying in the field. He was brought to Bihta to doctor's clinic and then he was referred to Patna where he was brought to Oxygen Hospital, Kankarbagh. It is alleged that respondent nos. 8 to 11 caused the death of the petitioner's husband by administering him poison.

Learned counsel submits that a written report was submitted in this regard to the S.H.O. Bihta but the



information has been registered as Unnatural Death (U.D.) Case No. 09/2021 dated 16.04.2021. It is his submission that the police should have registered it as a First Information Report.

It is further submitted that after registration of the U.D. Case, police has not taken any step.

Mr. Iqbal Asif Niazi, AC to GP-5 submits that since a U.D. Case has been registered, the same shall be enquired into in accordance with the provisions of the Code of Criminal Procedure.

Having heard learned counsel for the petitioner and learned AC to GP-5, this Court finds that in this case a U.D. Case has already been registered. Section 174 of the Code of Criminal Procedure deals with the situation “*when the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall*



immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-Divisional Magistrate, shall proceed to the place, where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.”

Under sub-section (2) of Section 174 Cr.P.C., “*the report shall be signed by such police officer and other persons, or by so many of the as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-Divisional Magistrate.*”

The procedure in this regard are duly written in sub-section (3) and (4) of Section 174 Cr.P.C.

In the present case, it appears from the record that



the Challan of the dead body and inquest report were prepared by the police which are part of Annexure '2'. In the inquest report, it is recorded that the dead body was found lying in an ambulance on stretcher and the cause of death could not be assessed.

In the aforesaid view of the matter, this Court finds no error on the part of the police authority in registering an U.D. Case.

Let the investigation be carried out in accordance with Section 174 of the Code of Criminal Procedure and a report be submitted in terms of the provisions of the Code of Criminal Procedure before the competent authority.

This Court finds no reason to direct registration of First Information Report. It is for the authorities concerned to take a view in this regard.

This application stands disposed of accordingly.

(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'.

