

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1383 of 2022

Arising Out of PS. Case No.-536 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Punya Kala Devi W/O Late Shri Parashuram Singh Resident of Village-
Morsand, P.S.- Runi Shaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar Patna.
2. The Superintendent Of Police Sitamarhi Bihar
3. The Dy. Superintendent Of Police Sitamarhi. Biha
4. The Officer In Charge Police Station Runishaidpur Bihar
5. The Investigating Officer, Police Station Runishaidpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar No1, Advocate
For the Respondent/s	:	Mr. N.H. Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2022 Heard Mr. Mukesh Kumar No.1, learned counsel for
the petitioner and Mr. N.H. Khan, learned SC-1 for the State.

The petitioner in the present case is seeking the
following reliefs:-

“A) To arrest the accused persons who are an
accused in connection with Runishaidpur P.S. Case
No. 536/2022 registered for the offences under
Sections 341, 323, 354(B), 504, 506 and 34 of the
I.P.C.

B) To investigate the case in proper direction and
to submit the Police Report within the stipulated
period as provided under the Code of Criminal
Procedure.

C) To give the proper protection to the petitioner



because the petitioner is old, and widow lady as well as suffering from cancer, since 2014.

D) Her fundamental right granted under Article 21 of the Constitution of India is in fact taken away by the accused persons, must be protected.”

At the outset, Mr. Mukesh Kumar No.1, learned counsel for the petitioner submits that so far as the relief prayed in paragraph ‘1(A)’ is concerned, the same has become infructuous as the accused persons have surrendered and are on bail.

Learned counsel has, however, pointed out that in this case as regards the occurrence which took place on 23.06.2022, the petitioner, who is herself a senior citizen and a cancer survivor, lodged an FIR with the officer incharge of Runnishaipur police station but the officer in-charge did not lodge the FIR. The petitioner thereafter filed an application with the Superintendent of Police, Sitamarhi on 25.06.2022 and the Superintendent of Police had endorsed her application to the officer in-charge but again nothing was done. It is stated that thereafter the petitioner submitted her application to the D.G.P., Bihar and on her application after a direction of the D.G.P., Bihar the FIR was lodged but it took altogether three months in lodging of the FIR.

Learned counsel has, thus, demonstrated inaction on



the part of the officer in-charge of Runnishaidpur police station in the District of Sitamarhi. It is his submission that, in such circumstance, the case is not being properly investigated and the petitioner as well as her family is under threat from the accused persons.

Mr. N.H. Khan, learned SC-1 submits that, in such circumstances, proper directions may be issued to conduct proper investigation of the case and the fact as alleged regarding the S.H.O. of the police station may be examined by a competent officer for onward action.

Having regard to the facts and circumstances of the case, this Court directs the Superintendent of Police, Sitamarhi to firstly examine the conduct of the officer in-charge of Runnishaidpur Police Station in the District of Sitamarhi, the delay in lodging of the FIR and as to why it took three months in lodging the FIR by the said police station. The Superintendent of Police shall examine this aspect of the matter within three months from the date of communication of this order and in case it is found that it is a case of inaction on the part of the officer in-charge of concerned police station, adequate proceeding shall be initiated in accordance with law.

The Superintendent of Police, Sitamarhi shall also



ensure that the case lodged by the petitioner is properly investigated without prejudice to the petitioner or the accused and the truth must be revealed in course of investigation within a reasonable period. If required, he would consider change of I.O. also but in any case the police report must be submitted in the learned court below within a reasonable time.

The petitioner has claimed that she and her family members are under threat, let this aspect be also considered within 30 days from the date of receipt of a copy of this order and on finding that the petitioner or her family requires protection to her/their life and property etc., adequate measures shall be taken immediately.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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