

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.223 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- MAHILA P.S. District- Muzaffarpur

Renu Devi, W/O Dharmendra Sahni, Resident of Village- Konma
Chhitarpatti, Panapur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Dept. of Homes, Govt. of Bihar, at Patna.
2. The Additional Chief Secretary Department of Homes Government of Bihar at Patna
3. The Director General of Police Bihar at Patna
4. The Inspector General of Police, Muzaffarpur.
5. The Deputy Inspector General of Police, Muzaffarpur
6. The Additional Director General of Police Weaker Section Bihar Patna
7. The Senior Superintendent of Police, Muzaffarpur.
8. The Superintendent of Police, Muzaffarpur.
9. The Deputy Superintendent of Police Minapur, Muzaffarpur.
10. The Officer In Charge, Minapur Police Station, Muzaffarpur
11. The Investigation Officer, Mahila Police Station, Muzaffarpur.
12. The Director Incharge Forensic Science Laboratory, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Advocate
For the Respondent/s : Mr. M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 22-12-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed seeking an appropriate direction to respondent nos. 10 and 11 to properly investigate the case of Muzaffarpur Mahila P.S. Case No. 59 of 2022 and to take all appropriate legal action against the culprits/accused persons forthwith.



3. As per the written report of the petitioner, the following occurrence took place on 06.10.2022:-

(i) On 06.10.2022 at about 08:00 P.M., the accused person, namely, Mahesh Sahni came at the house of the informant and said that “I will get your husband released from judicial custody. I have talked to the lawyer.” The informant believed his words and went to the house of co-accused Arun Kumar Thakur (lawyer) with him.

(ii) When she reached there, both the accused persons on the point of knife committed rape upon her as a result whereof she fainted, thereafter, accused Mahesh Sahni brought her home and threatened her to kill if she tells about this incident to anyone.

4. It is the case of the informant-petitioner that she was taken for a medical examination on 07.10.2022. Police arrested both the accused persons, they were locked in the police custody of Town Police Station but later on, they were released on instruction from the Senior Police Officers. The petitioner realised that the police is not properly investigating the case and no step has been taken to proceed against the accused persons.

5. In course of hearing of the case on last few dates,



this Court took exception to the kind of allegations and the conduct of the Investigating Officer. The Court was concerned as to how after their arrest, the two accused were released. This Court directed the Senior Superintendent of Police, Muzaffarpur to change the Investigating Officer of the case immediately and to hand over the case to an Officer in the rank of Inspector who will carry on the investigation and the Senior Superintendent of Police shall personally supervise the case.

6. On 30.11.2023, this Court was informed that the DNA report of the blood samples collected from the accused Arun Kumar Thakur and Mahesh Sahni are yet to be obtained. This Court, therefore, directed the Director, Forensic Science Laboratory, Bihar to submit the report within a period of two weeks. In paragraph '9' of its order dated 30.11.2023, this Court has issued direction to the Senior Superintendent of Police, Muzaffarpur to take appropriate decision based on the entire materials on the accusation of the named accused persons immediately after receipt of the report from the Forensic Science Laboratory.

7. Mr. N.H. Khan, learned SC-1 for the State has drawn the attention of this Court towards the report of the Forensic Science Laboratory, Muzaffarpur which has been



received. It is submitted that a copy of the report has been forwarded directly to this Court for perusal, however, the Senior Superintendent of Police, Muzaffarpur has already received the original report and he is likely to take an appropriate decision as directed by this Court in its order dated 30.11.2023 within a reasonable period.

8. Having regard to the aforesaid developments which have been taken place in this case, now there is no stumbling block in the way of the Investigating Agency in concluding the investigation, therefore, this Court directs the Senior Superintendent of Police, Muzaffarpur to ensure completion of investigation of the case and consequential actions in accordance with law within a period of two months from the date of receipt/production of a copy of this order. An appropriate report shall be submitted before the court of competent jurisdiction immediately thereafter.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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