

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.386 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- VAISHALI District- Vaishali

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Phul Kumari Devi @ Fula Devi W/o Ramesh Paswan R/o Village- Manjhauli,
P.S.- Vaishali (Belsar O.P.), Distt- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Home Department, Govt. of Bihar, Patna. Bihar
2. The D.I.G., Muzaffarpur. Bihar
3. The Superintendent of Police, Hajipur, Distt- Vaishali. Bihar
4. The Deputy Superintendent of Police Hajipur, Distt- Vaishali. Bihar
5. The Officer-in-Charge Vaishali (Belsar O.P.), Distt- Vaishali. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Respondent/s : Mr. Dr. Mankeshwar Tiwari, AC to AAG3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-04-2023 Learned counsel for petitioner submits that in the writ petition due to inadvertence, he has used the word enquiry in place of investigation. He seeks permission to remove the word enquiry and add investigation in his petition.

Permission granted.

Remove the said defects in course of the day.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present writ petition has been filed for proper investigation by the Police authorities in connection with Vaishali P.S. Case No. 411 of 2022 arising out of Complaint

Case No. 3010 of 2022 lodged under Sections 341, 323, 304B and 120B pending in the Court of C.J.M., Vaishali at Hajipur.

Counsel for petitioner submits that the present writ application has been filed which is out and out false and non-jurisdictional as the death of the alleged victim took place at Delhi and not at Hajipur. He submits that vide Annexure-8, he has represented before the Superintendent of Police stating every aspect of the matter. Counsel submits that an application was filed vide Annexure-8 before the Superintendent of Police, requires the part of investigation.

Counsel for the State submits that lodging of F.I.R. under Section 154 of Cr.P.C. is well within the jurisdiction of the Court and there is no illegality in the same.

In the present facts and circumstances, petitioner is directed to file his representation before the Superintendent of Police, Vaishali at Hajipur in the light of Surendra Singh Vs. State of Bihar and Ors vide order dated 09.09.2022 passed in Cr.WJC No. 153 of 2017 with analogous cases,

In this view of the matter, the present Cr. Writ Petitioner is disposed of in the light of order passed in **Surendra Singh Vs. State of Bihar and Ors** in **Cr.WJC No.153 of 2017** with analogous cases and petitioner is directed to file

representation before the Superintendent of Police within four weeks from the date of passing of this order.

The Superintendent of Police is directed to take necessary steps for completion of fair investigation at the earliest.

With the aforesaid direction, the present Cr. Writ Application is hereby disposed off.

(Dr. Anshuman, J.)

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