

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.555 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

Tanuja Pandey W/O Pravin Kumar Pandey Resident Of Village- Fulwaria,
Baijani, P.S- Jagdishpur, Distt.- Bhagalpur Presently Residing At B/127,
Shaktinagar, Jarhi, P.S- Bhatgaon, Distt.- Surajpur, Chhattisgarh-497235.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna. Bihar
2. The Principal Secretary, Department Of Home, Govt. Of Bihar, Patna. Bihar
3. The Director General Of Police, Govt. Of Bihar Sardar Patel Bhawan, Bailey Road, Patna.
4. The Inspector General Of Police, Bhagalpu Range, Bhagalpur. Bhagalpur, Bihar
5. The Senior Superintendent Of Police, Bhagalpur. Bhagalpur, Bihar
6. The Officer-In-Charge, Mojahidpur P.S, Bhagalpur. Bhagalpur, Bihar.

... .. Respondents

Appearance :

For the Petitioner : Mr.Purushottam Kumar Jha, Advocate
For the Responden/s : Mr.P.K.Shahi (A.G)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

2 08-05-2023 Heard the parties.

The present criminal writ application has been filed by the
petitioner for following relief(s):-

(i) For issuance of an order, direction or a writ in the nature of Habeas Corpus commanding the Respondents concerned to produce before this Hon'ble Court the husband of the petitioner, who has been missing from 11.07.2021 from Bhagalpur, in connection whereto the Mojahidpur Police Case No. 188 of 2021 dated 17.07.2021 has been instituted.



(ii) To hold and declare that the action of the Bhagalpur District Police / Mojahidpur Police in not conducting fair and proper investigation in connection with Mojahidpur Police Case No. 188 of 2021 dated 17 07.2021 is highly illegal, arbitrary malafide, malicious and unsustainable in the eye of law and on facts both and is fit to be deprecated by this Hon'ble Court in string words and for such inaction on the part of Bhagalpur District Police Mojahidpur Police in not conducting fair and proper investigation in connection with Mojahidpur Police Case No. 188 of 2021 dated 17 07 2021, all the concerned may be ordered to be dealt with suitably by the State Govt. of Bihar.

(iii) To hold and declare that the action of the Chief Secretary, Govt. of Bihar, Patna, the Principal Secretary, Department of Home, Govt. of Bihar, Patna, the Director General of Police, Govt. of Bihar, Patna, the Inspector General of Police, Bhagalpur Range, Bhagalpur, the Senior Superintendent of Police, Bhagalpur and the Officer-in-Charge, Mojahidpur Police Station, Bhagalpur in not considering the representation dated 20.11 2021 (Annexure 2) seriously is highly illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both and such inaction of the Respondents concerned may cause danger to the life of the



husband of the petitioner.

(iv) For issuance of an order, direction or a writ in the nature of Mandamus commanding the State Govt. of Bihar to pass appropriate order for holding CBI Enquiry in connection with Mojahidpur Police Case No. 188 of 2021 dated 17.07 2021”.

On behalf of the counsel for the State, it has been submitted that the petitioner may make an application in the light of Section 97 of the Cr.P.C. before the District Magistrate, Bhagalpur.

Considering the submissions made on behalf of the parties, the petitioner is directed to make an application before the District Magistrate, Bhagalpur regarding missing of her husband. The District Magistrate, Bhagalpur shall dispose of the application of the petitioner within a period of eight weeks from the date of receipt of such application.

The present Criminal Writ Application stands disposed of with the aforesaid observation and direction.

(Sudhir Singh, J)

(Chandra Prakash Singh, J)

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