

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.833 of 2023

Arising Out of PS. Case No.-435 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Sumita Devi, Wife of Late Sikndra Ray, Resident of Village-Rup Chapra Urf Sarangpur, P.S.-Sahebganj, Dist-Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional chief Secretary, Home (Special) Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Deputy Inspector General of Police, Muzaffarpur
5. The Senior Superintendent of Police, Muzaffarpur Dist-Muzaffarpur
6. The Superintendent of Police, Muzaffarpur, Dist-Muzaffarpur
7. The Sub-Divisional Police Officer, Saraiya, Dist-Muzaffarpur.
8. The Station Head Officer, Sahebganj Police Station Dist-Muzaffarpur.
9. The Investigating Officer of Sahebganj P.S Case No.435 of 2020, Sahebganj PS, Dist-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned counsel for the State.

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

“(I) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities to make proper investigation of the case as well as to ensure the arrest of the accused persons named in the First Information Report in connection with Sahebganj P.S. Case No. 435 of 2020 dated 15.08.2020 registered for the offences under Sections 147, 148, 149, 341, 342 and 302 of the



Indian Penal Code, pending in the court of Sri Shailesh Kumar, the learned Judicial Magistrate 1st Class, Muzaffarpur.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to take suitable departmental action against the Respondent nos. 7, 8 and 9, who failed to discharge their statutory duty to properly investigate the case as also to arrest the accused persons named in the First Information Report even in the serious matter as well as lapse of about three years since they have been fully connived with the accused persons.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the husband of the petitioner was brutally assaulted by the named accused as well as some other unknown persons as a result whereof, he died. The case was registered as back as on 15.08.2020 but the investigation of the case has not progressed and no effort has been made to nab the culprits.

4. Learned counsel further submits that the petitioner has approached respondent nos. 5, 6 and 7 to ensure arrest of the accused persons but no action has been taken by these authorities and it is very painful to state that even after lapse of about three years, the petitioner is looking for justice. At one stage, it is also stated that the accused persons named in the FIR are moving freely on the road and they are giving threat to the



petitioner and her family members to withdraw the case and the local police administration is also connived with the accused persons.

5. Learned counsel for the State submits that in the given facts and circumstances, an appropriate direction may be given to the competent authority to look into the grievance of the petitioner and take appropriate action.

6. Having regard to the facts and circumstances of the case, the submissions made on behalf of the petitioner and the fact that the investigation of the case has remained pending for over three years, this Court directs the Inspector of Police, Tirhut Range, Muzaffapur (Respondent no. 3) to personally review the matter, supervise the case in question, examine the reason for delay in completion of investigation and other action so far.

7. Let such exercise be taken and completed within a period of three weeks from the date of receipt/communication of a copy of this order.

8. If it is found that the I.O. of the case is not working, he shall be changed forthwith. The Inspector General of Police, Tirhut Range, Muzaffarpur and the Senior Superintendent of Police, Muzaffarpur shall act in tandem with each other and



issue appropriate directions to complete a proper and fair investigation of the case and arrest the accused persons based on the materials collected in course of investigation. The Investigating Agency shall submit a police report upon completion of the investigation at the earliest.

9. In case the respondents fail to act in terms of the directions of this Court hereinabove, the petitioner shall be at liberty to approach this Court.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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