

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2878 of 2017**

**In**  
**Criminal Writ Jurisdiction Case No.651 of 2016**

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1. Nandlal Sah Son of late Sahdeo Pd. Sah, Resident of Village- Karaharia, P.S. Barahat, District- Banka.
  2. Babli Devi, Wife of late Amaranjay Kumar, Resident of Village- Karaharia, P.S. Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Home Police Department, Govt. Of Bihar, Patna
2. Sri Amir Subhani, The Principal Secretary, Home(Police), Department, Govt. of Bihar, Patna.
3. Sri P.K. Thakur, the Director General of Police, Bihar, Patna.
4. Sri Sushil Man Singh Khopde, The Inspector General of Police, Bhagalpur Range, Bihar.
5. Sri Vikas Vaibhav, The Deputy Inspector General of Police, Bhagalpur Range, Bihar.
6. Sri Kundan Kumar, The District Magistrate, Banka.
7. Sri Chandan Kushwaha, The Superintendent of Police, Banka.
8. Sri Pankaj Kumar Paswan, The Officer In Charge, Barahat Police Station Banka.
9. Sri Jairam Mishra, The Investigating Officer, Barahat Police Station, Banka.
10. The Bihar Human Rights Commission, 9 Bailey Road, Patna through its Registrar, Bailey Road, Patna.
11. Sri Vijay Kumar Jain, The Registrar, Bihar Human Rights, 9 Bailey Road, Patna.
12. Sri Abhijit Kumar, The Deputy Secretary, Bihar Human Rights Commission, 9 Bailey Road, Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gaurav Govind, Advocate  
For the Opposite Party/s : Mr. Suman Kumar Jha, AC to AAG 3

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      08-08-2023

Heard the parties.

The MJC No. 2878 of 2017 has been preferred for



compliance of the order dated 26.08.2016 passed in Cr.W.J.C. No. 651 of 2016.

A show cause on behalf of the Superintendent of Police, Banka (opposite party no. 7) was filed on 25.04.2019 and the S.P. has detailed out the facts of the case, according to which:-

(i) the matter was re-investigated;

(ii) the S.P., Banka vide memo no. 47/legal dated 08.04.2019 further directed the S.D.P.O., Banka to submit his explanation why comment has not been made by him;

(iii) the I.O. of the Banka (Barahat P.S. Case No. 104 of 2014) was also put on show cause;

(iv) finally, after investigation the same was completed and vide memo no. 1453/19 dated 13.04.2019, order was given to submit final form stating the case to be true having clueless under section 279, 337, 338, 304(A) of the Indian Penal Code against unknown truck driver;

(v) accordingly, the final form no. 21 of 2019 dated 15.04.2019 against unknown truck driver has been submitted.

Further, the Civil Surgeon, Banka was also requested to appoint a Medical Board to issue remarks with regard to the injury that were found in the post-mortem report of the



deceased. Accordingly, the Chief Medical Officer, Banka vide memo no. 873 dated 12.04.2019 stated and quoted herein “post-mortem report was grossly examined and the Board gives the opinion the cause of death due to shock and hemorrhage and it seems to be a case of road traffic accident” (Annexure L to the show cause).

This show cause was filed in 2019 and there is no rejoinder to it.

This Court is convinced that the Superintendent of Police, Banka has taken the case to its logical conclusion.

If the petitioner is still aggrieved, he can agitate the matter before an appropriate forum.

So far as the contempt part is concerned, no such case is made out.

The MJC No. 2878 of 2017 stands disposed of.

**(Rajiv Roy, J)**

Neha/-

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