

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.846 of 2021

Arising Out of PS. Case No.-385 Year-2019 Thana- MASAUDHI District- Patna

Sanju Kumari W/o- Manoj Kumar, Resident of Village- Badaribigha, P.S. Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police of Bihar, Patna.
2. The Director General of Police Bihar Patna.
3. The I.G. of Police Patna.
4. The D.I.G., Patna Range, Patna.
5. The Senior Superintendent of Police District- Patna.
6. The Ruler Srperintendent of Police District- Patna, Bihar.
7. The Dy. S.P., Sub Division Masaurhi, District- Patna.
8. Sri Prabhunath Ram, S.I. Cum I.O. of The Case Masauruhi P.S. Case No.385/2020 Masaurhi, Police Station Masaurhi, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Writ Petition has been filed seeking direction to the respondent to arrest the accused of Masaurhi P.S. Case No. 385 of 2020 lodged under Sections 366, 366(A) of the Indian Penal Code and also to add more sections under Section 12 of POCSO Act as well as Section 376 of I.P.C. in the F.I.R.

Learned counsel for the petitioner submits that both

accused and victim have been arrested by the Police but instead of production before the Court of law, the Police in connivance with the accused had released him, in result, the said accused has never been produced before the Court and still Court is awaiting his presence for trial.

Learned counsel for the State submits that for the purpose of adding the section, the petitioner has the right to move before the cognizance taking Court and for the production of accused in the trial, there are established procedure of law in the Cr.P.C. So far as the alleged wrongful act done by the high officials, the representation of petitioner was pending before them. He further submits that petitioner may be directed to move before the high officials in the light of ***Surendra Singh Vs. State of Bihar and others*** vide order dated 09.09.2022 passed in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases.

In this background, it transpires to this Court that the petitioner shall move before the Senior Superintendent of Police, Patna in the light of ***Surendra Singh Vs. State of Bihar and others*** vide order dated 09.09.2022 passed in ***Cr.W.J.C. No. 153 of 2017*** with analogous cases and file his representation within four weeks.

So far as addition of more sections are concerned,

petitioner is at liberty to move before the appropriate forum at appropriate stage.

With this direction, the present Cr. Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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