

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.870 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Darbhanga

=====

ARFA KHATOON @ GULNAJ D/o Sagir Alam Resident of Village - Katka,
P.S.- Singhwara, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department ,
Bihar , Patna. Bihar
2. The Director General of Police, Bihar, Patna. Bihar
3. The District Magistrate, Darbhanga. Bihar
4. The Senior Superintendent of Police , Darbhanga. Bihar
5. The Superintendent of Police, Darbhanga. Bihar
6. The Sub Divisional Police Officer, Darbhanga. Bihar
7. The Deputy Superintendent of Police, Darbhanga . Bihar
8. The Station Head Officer, Sadar Police Station, Singhwara. Bihar

... .. Respondent/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 19-09-2023 Heard learned counsel for the parties concerned.

2. The present writ application has been filed by the petitioner namely, Arfa Khatoon @ Gulnaz for a direction to the respondents Police authority to register an FIR against Station House Officer of Singhwara Police Station for his intentional and willful harassment and continuous torture to the mother of the petitioner who was suffering from Cardiac Vascular problem. Due to torture



and harassment at the hands of SHO of Singhwara Police Station, the mother of the petitioner has died on 2.5.2021.

3. Learned counsel for the petitioner submits that the Singhwara P.S. Case No. 76 of 2021 was lodged by Ali Raja who is an accused of Singhwara P.S. Case No. 176 of 2019 lodged by the petitioner, with intention to pressurize the petitioner for compromise the Singhwara P.S. Case No. 176 of 2019. During course of investigation of Singhwara P.S. Case No. 76 of 2021, Police tortured and threatened the ailing mother of the petitioner, due to which, petitioner's mother died of heart attack on 2.5.2021. The SHO Singhwara Police Station is responsible for the death of the petitioner's mother.

4. On the other hand learned counsel appearing for the respondents submits that SHO of Singhwara Police Station is not responsible for the death of the mother of the petitioner as would be evident from enquiry conducted by the Police based upon the Station House diary and the report collected from the City Hospital Darbhanga. The accused persons of Singhwara P.S. Case No. 176 of 2019 were at loggerheads with the writ petitioner and so many



cases have been filed between them. The mother of the petitioner has not died in the Hospital and upon enquiry it has come to light that she has died after eleven days from the date of alleged torture of the petitioner's mother by SHO Singhwara.

5. A report was called for from the Sub Divisional Police Officer, Sadar, Darbhanga, who after enquiry has submitted its report vide letter No. 7534/Sadar dated 19.10.2021. As per the report of the Sub Divisional Police Officer, Sadar, Darbhanga, the writ petitioner Arfa Khatoon @ Gulnaz has lodged Singhwara P.S. Case No. 176 of 2019 dated 15.11.2019 registered for the offences under Sections 323, 307, 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act against the FIR named accused Ali Raza, son of Anwarul Haque, Anwarul Haque son of late Habib, Sabila Khatoon, wife of Anwarul Haque and Shabana Khatoon, daughter of Anwarul Haque. After investigation, the case has been found true under Sections 341, 323, 307, 376, 506/34 of the Indian Penal Code against the FIR named accused Ali Raza son of Anwarul Haque, Anwarul Haque son of late Habib and the investigation



against Sabila Khatoon wife of Anwarul Haque and Shabana Khatoon daughter of Anwarul Haque remained pending. Section 4 of the POCSO Act has not been found applicable. During course of investigation, the Police has arrested FIR named accused Ali Raza son of Anwarul Haque on 27.9.2021, Anwarul Haque, son of late Habib on 15.10.2021 and both were sent to judicial custody. After lodging the aforesaid FIR bearing Singhwara P.S. Case No. 176 of 2019, the dispute between the parties increased, due to which, on 20.04.2021, the incident of assault occurred between elder brother of Md. Haider and mother Sabila Khatoon of accused Ali Raza of Singhwara P.S. Case No. 176 of 2019 and family members of writ petitioner Arfa Khatoon. On the basis of written report of Sabila Khatoon, Singhwara P.S. Case No. 75 of 2021 dated 20.04.2021 under Sections 341, 323, 341, 354 and 506/34 of the Indian Penal Code was lodged against eight FIR named accused persons and after investigation, the case has been found true under Sections 341, 342, 323, 354-B, 504 and 506/34 of the Indian Penal Code against the accused persons namely Salaluddin, son of Sagir, Sikandar, Riyazuddin, Tamanna



son of Akhtar and allegation against other FIR named accused persons namely, Angoori Begum, sister Ruhi and Adil Imam were found true by the Investigating Officer.

6. On 20.4.2021 a counter case was filed by one Shabnam Khatoon wife of Md. Haider Ali, sister-in-law of accused Ali Raza of Singhwara P.S. Case No. 176 of 2019 and on the basis of Fardbeyan, a case vide Singhwara P.S. Case No. 76 of 2021 dated 20.4.2021 under Section 341, 342, 323, 326, 307, 452, 380 and 504/34 of the Indian Penal Code has been registered against the brother, sister-in-law and mother of the writ petitioner Arfa Khatoon @ Gulnajz namely Salauddin, Jalauddin, Gore, Shahabuddin, Reyazuddin etc. The case lodged by sister-in-law of Ali Raza is still under investigation and Investigating Officer of the Case was Shiv Kumar Ram.

7. On 25.4.2021 another written report was lodged by the writ petitioner Arfa Khatoon @ Gulnaz, on the basis of which, Singhwara P.S. Case No. 79 of 2021 dated 25.4.2021 under Sections 323, 354, 379/34 of the Indian Penal Code was lodged against Md. Haider Ali son of Anwarul Haque, Shabila Khatoon wife of Anwarul



Haque and two unknown for the occurrence which took place on 20.4.2021, but during investigation and supervision, the case has been found false by the Investigating Officer of this case namely, Shiv Kumar Ram.

8. Learned counsel further submits that from perusal of station diary of Singhwara Police Station it would be evident that on 20.4.2021 the SHO Singhwara Police Station namely, Amit Kumar left the Police Station for court at 8:30 hours and came back to Police Station at 12:15 hours again at 1800 hours he along with Police Inspector, Kamtaul Circle, left for field tour for investigation and came back to Police Station at 21:00 hours. Thereafter, no Police Officer of Singhwara P.S. has left the Police Station for investigation of any case. The copy of the station diary has been annexed as Annexure-A to the counter affidavit.

9. Regarding treatment of Angoori Khatoon (deceased), mother of the writ petitioner, the matter has been enquired from City Hospital, Naka No. 5, Kalighat Road, Darbhanga and it came to light that Angoori Khatoon had come to Hospital on 30.4.2021 for treatment as out door



patient for bacterial infection in chest and high resolution CT (H.R.C.T.) was done and medicine was prescribed for the same but Angoori Khatoon had not been admitted in the Hospital, as such, staff had no idea about the death of Angoori Khatoon allegedly on 2.5.2021.

10. I have heard learned counsel for the parties. From the materials available on record, it is evident that so many cases have been filed between the writ petitioner and Ali Raza. The Police has investigated the cases lodged from both sides. The allegation in the present writ application is that the mother of the writ petitioner was tortured on 20.4.2021 whereas from perusal of record it appears that petitioner's mother had visited the City Hospital Darbhanga, on 30.4.2021 complaining about infection in her chest for which High Resolution CT (H.R.C.T.) was done and medicine was prescribed. It also appears from the record that she was not admitted in the Hospital. The mother of the petitioner died on 2.5.2021.

11. From objective consideration of the materials available on record it appears that the allegation of torture in connection with Singhwara P.S. Case No. 76 of 2021 is



on 20.4.2021 but the petitioner and her mother did not make any complaint regarding torture of Angoori Khatoon (deceased) on 20.4.2021 itself or next day on 21.4.2021. However, from the record of the Hospital it transpires that the mother of the petitioner namely, Angoori Khatoon had visited the Hospital with infection in her chest on 30.4.2021 where she was prescribed medicines and subsequently she has died on 2.5.2021. As such, I come to the conclusion that the present writ petition filed by the petitioner is devoid of any merit and no direction is required to be issued for registration of FIR against the SHO of Singhwara Police Station.

12. Accordingly, this writ application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

