

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.916 of 2021

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

SUDARSHANA JYOTI D/o Late Jamuna Prasad R/o Ward No.-10, Gandak Colony Quarter No.558c, Samastipur, Distt- Samastipur- 847301, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Director General of Police, Government of Bihar, Jawaharlal Nehru Marg, Rajbansi Nagar, Patna, Bihar- 800023
3. The District Magistrate, Patna, Bihar Bihar
4. The Inspector General of Police, Patna, Bihar Bihar
5. The Deputy Inspector General of police, Patna Bihar Bihar
6. The Senior Superintendent of Police, Patna, Bihar Bihar
7. The City Superintendent of Police, Patna Central, Patna Bihar Bihar
8. The SHO, Mahila Thana, Patna. Bihar
9. Aman Kumar S/o Not known R/o, P.O., and P.S.- Patna, Bihar, Designation- D.S.P. (S.T.F.)
10. Deepa Kumari Resident - Not Known
11. Pushpa Kumari Resident- Not Known

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. D. K. Sinha, Sr. Adv.
Mr. Vishal Vikram Rana
For the Respondent/s : Mr. Deepak Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 21-09-2023 1. Heard learned Senior Counsel for the petitioner and learned Counsel for the State.
2. The present writ application has been filed for a direction to the respondent authorities to lodge First Information Report upon the written complaint submitted to them on



04.07.2021 at Mahila Police Station, Samastipur. Further prayer of the petitioner is to make a fair and independent investigation upon the written complaint/First Information Report of the petitioner.

3. Learned Senior Counsel for the petitioner submits that after filing of the present writ application, Mahila Police Station Case No. 07 of 2022, dated 01.02.2022, has been registered under Sections 376/354-A/341/504/506 of the Indian Penal Code and Sections 67 (A)/67(B) of the Information Technology (Amendment) Act, 2000. In the First Information Report, the allegation has been made against five accused persons, including one police officer, who is the Deputy Superintendent of Police, S.T.F., Patna. Learned Senior Counsel has prayed that necessary direction be issued to the concerned police officer for proper and expeditious enquiry. He placed letter no. 359, dated 11.04.2023, issued by the Superintendent of Police, CID, Patna (Annexure 26 series), and submits that as per the information provided to the petitioner, the superior authority at the police headquarter has requested the Inspector General of Police, Mithila Range, Darbhanga, to enquire upon the complaint of the petitioner.



4. Learned Senior Counsel informs this Court that since one of the accused persons is high-ranked police officer, the Investigating Officer is unnecessarily harassing the complainant/informant by calling her in the Police Station and on one occasion, she was illegally confined in the Police Station, at Samastipur.
5. Learned Counsel for the State submits that the Inspector General of Police, Mithila Range, Darbhanga, may be directed to look into the matter and get the investigation/enquiry done as early as possible.
6. After having heard learned Counsel for the parties concerned and taking into consideration that the First Information Report has already been lodged and the investigation is going on, the present writ application is disposed with observation that the Investigating Officer of the case shall do the investigation in accordance with law within a reasonable time frame.
7. It is also directed that the Investigating Officer of the case shall not unnecessarily call the informant and if necessary, the Investigating Officer will visit the informant for any clarification or recording her subsequent statement, if so required.



8. It goes without saying that high-ranked police officer, not below the rank of Deputy Inspector General of Police, shall supervise the case from time to time.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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