

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1003 of 2021**

Arising Out of PS. Case No.-176 Year-2000 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

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Badhni Devi @ Vadani Devi Wife of Roshan Sahani Resident of village -  
Mahammadpur, Khaje, P.S. - Karja, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. Inspector General of Police, Muzaffarpur
4. Deputy Inspector General of Police, Muzaffarpur
5. Suprintendent of Police, Muzaffarpur
6. S.H .O. Town, P.S. - District - Muzaffarpur
7. Sogarath Sahni Son of Late Bujhawan Sahni Resident of village -  
Mahammadpur, Khaje, P.S.- Karja, District - Muzaffarpur.
8. Umesh Sahni Son of Sogarath Sahni Resident of village - Mahammadpur,  
Khaje, P.S.- Karja, District - Muzaffarpur.
9. Naresh Sahni son of Sogarath Sahni Resident of village - Mahammadpur,  
Khaje, P.S.- Karja, District - Muzaffarpur.
10. Ramesh Sahni Son of Sogarath Sahni Resident of village - Mahammadpur,  
Khaje, P.S.- Karja, District - Muzaffarpur.
11. Bedamia Devi wife of Sogarath Sahni Resident of village - Mahammadpur,  
Khaje, P.S.- Karja, District - Muzaffarpur.
12. Ramnath Sah Son of Baldeo Sah Deed Writer, Registry office, Muzaffarpur,  
District - Muzaffarpur.
13. Mustaque Ahmad Son of not known Deed writer, Registry office,  
Muzaffarpur, District - Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Arun Kumar, Adv.                                            |
| For the Respondent/s | : | Mr. Sheo Shankar Prasad, Sc-8<br>Mr. Sanjay Kumar 1, Ac to Sc-8 |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 23-03-2023**

Heard learned counsel for the petitioner and  
  
learned counsel for the State.

The present application has been filed for directing the State respondents to complete the re-investigation of Muzaffarpur Town P.S. Case No. 176 of 2000 registered under Sections 417, 418, 419, 420, 467, 468, 147, 323 & 504 of the I.P.C.

Counsel submits that petitioner has filed a Complaint Case No. 1056 of 2000 before the Chief Judicial Magistrate, Muzaffarpur on the basis of which a Muzaffarpur Town P.S. Case No. 176 of 2000 have been registered. In the said case, final form has been submitted saying that occurrence was untrue. From the order of 18.09.2002 passed by the Chief Judicial Magistrate, Muzaffarpur, it transpires that permission was given to the I.O. to re-investigate the case and submit afresh, thereafter, the present case is waiting for action.

Counsel for State submits that in this situation, criminal writ shall not apply because the present case has been filed with a view to make effective the order dated 18.09.2002 for which only Section 482 of Cr.P.C., 1973 is competent.

Upon going through the situation relating to this case, there is already a Special Bench of Hon'ble Three Judges decided in **1990 (2) PLJR 693 Surendra Singh & Ors. Vs. The State of Bihar & Ors.** It has been decided that when remedy

under Section 482 of Cr.P.C. is available/ maintainable, then there is no question of exercise of power under Article 227 of the Constitution of India.

In this view of the matter, I am not inclined to grant any relief(s) to the petitioner and the present criminal writ application is hereby **dismissed** with liberty that the petitioner may raise his claims under Section 482 of Cr.P.C. with a view to make the order dated 18.09.2002 passed in Muzaffarpur Town P.S. Case No. 176 of 2000 be effective.

With the aforesaid observations, the present criminal writ application is hereby dismissed.

**(Dr. Anshuman, J.)**

sadique/-

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