

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1151 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- MAHNAR District- Vaishali

Mukesh Kumar Son of Binda Roy Resident of House No. 41, Fatehpur
Kamaali, P.s. - Mahnar, Distt. - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna Bihar
2. The Superintendent of Police, Vaishali Bihar
3. The Sub-Divisional Police Officer, Mahnar, Vaishali Bihar
4. The Officer-in-Charge, Mahnar Police Station, Distt. - Vaishali Bihar
5. The Sub Inspector of Police, Mahnar P.S. (I.O. of Mahnar P.S. Case No. 142/22), Distt. - Vaishali Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anish Chandra, Advocate Ms. Gazala Perween, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner in the present case is seeking the
following reliefs:-

“(i) For proper investigation of the Mahnar P.S.
Case No.142/22 filed by the petitioner under
Sections 363/366(A) of the I.P.C. relating to
kidnapping of his minor daughter.

(ii) For immediate arrest of the accused persons
involved in this case, who are absconding and
tampering with the evidence.

(iii) For providing protection to the petitioner and

is family members who are getting threatening from the accused persons.

(iv) For any other reliefs under the facts and circumstances of the matter.”

3. Learned counsel for the petitioner submits that as per the First Information Report, the informant's minor daughter aged about 15 years went missing since 8.30 hours on 25.05.2022. The informant received a call from one Ravi Jha who informed that the daughter of the informant is with him. It is alleged that Ravi Jha who is a teacher kidnapped the informant's daughter with an intention to establish physical relationship on the allurement of marriage.

4. Learned counsel submits that the victim girl has been recovered and in her statement under Section 164 Cr.P.C. she has narrated the whole story of her blackmailing.

5. The grievance of the petitioner is that despite there being substantive material against the accused persons in this case, police is not conducting fair and impartial investigation of the case and till date the accused persons have not been arrested, they are freely moving in the village tampering with the evidences and threatening the family of the petitioner.

6. It is submitted that the petitioner and the victim girl as also other family members are living under threat to their life. In this regard, a representation has been submitted to the

Superintendent of Police, Vaishali on 30.08.2022 as contained in Annexure- '3' to the writ application but no action has been taken so far.

7. Learned AC to GP-4 submits that, in such circumstance, an appropriate direction may be issued to the Superintendent of Police, Vaishali to review the whole case and take other remedial measures to properly investigate the case and submit a report to the learned court below.

8. Having regard to the facts and circumstances of the case, the submissions noted hereinabove and the materials on the record, this Court is of the considered opinion that this being a case of alleged kidnapping of a minor girl, the Superintendent of Police, Vaishali (respondent no.2) is required to be more sensitive and take up the matter to review the progress made so far in course of investigation with an object to catch hold of the culprit and submit a proper police report in the court of learned jurisdictional Magistrate.

9. The Superintendent of Police, Vaishali shall review the investigation of the case and also shall take review of the threat perception of the petitioner and his family members including that of the victim girl and in case it is found that they are living under threat of their life, it would be incumbent upon

the respondent no.2 to provide adequate security to the victim and her family.

11. This writ application stands disposed of with the above observations and directions.

(Rajeev Ranjan Prasad, J)

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