

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1516 of 2022**

Arising Out of PS. Case No.-255 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Sumitra Devi W/o Shyam Yadav R/o - H.no.- 133, Chakmilki, P.O.-  
Jayantipur, Distt- Darbhanga, Pin code- 847103.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna. Bihar
2. The Senior Superintendent of Police, Darbhanga. Bihar
3. The Superintendent of Police, Darbhanga. Bihar
4. The Station House Officer, Ghanshyampur Police Station, Darbhanga. Bihar
5. Cyber Crime Investigation Cell, Patna. Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. Akash Keshav, Adv.    |
| For the Respondent/s | : | Mr. Lalit Kishore(A.G.)   |
|                      | : | Mr. Pawan Kumar, AC to AG |

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

3      28-03-2023                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The present petitioner has filed the writ petition  
seeking following reliefs:-

I. For issuance of a writ in the nature of Mandamus or  
any other appropriate writ(s) or order(s) or direction(s) directing  
the respondent no.1, 2 & 3 to immediately remove the picture of  
petitioner's minor grand-daughter from Facebook which has  
been transmitted and published on the social networking site,  
uploaded from a fake profile by a handle use named:- Sugandha

Kumari on 12.04.2022 & 13.04.2022 and is till date available for public viewing and sharing on Facebook.

II. For issuance of a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) or direction(s) to the Station House Officer, Ghanshyampur, Darbhanga to provide immediate protection to Petitioner's Daughter and Grand Daughter in order to settle them back in their house situated at Village:- Basauli, Panchayat:- Ganoon, P.S. Ghanshyampur, District -Darbhanga safely.

III. For issuance of a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) or direction(s) to the Station House Officer, Ghanshyampur not to harass the Petitioner's Daughter and further to direct the Commissioner of Police to conduct a fair, proper and unbiased investigation in F.I.R. bearing No.255 of 2022 dated 20.09.2022 registered under Section 448/341/323/292A/506/34 of I.P.C., 1860 and Section 67 of Information Technology Act, 2000.

IV. For issuance of writ in the nature of Mandamus or any other appropriate writ(s) or order(s) or direction(s) directing the respondent to constitute a Special Investigation Team(SIT) comprising of officer not below the rank of Superintendent of Police to inquire into the reason for the delay of 6 months in

registering the F.I.R. where the allegation in the nature of sexual offence against a minor girl was made out. In addition to this to inquire into the reason for the non-removal of the picture of the petitioner's minor grand-daughter, which till date is in public access.

V. For issuance of a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) or direction(s) directing the respondent authorities to take all and any steps as may be required and permissible under law, to meet the ends of justice in order to rehabilitate the minor grand-daughter and the daughter of the petitioner so that they can live their life in their home with dignity.

Counsel for the petitioner submits that vide order dated 22.12.2022, the grievances relating to first relief has already been resolved but for the second and third grievances, petitioner is directed to represent before the Superintendent of Police with high officials in the light of order passed in ***Surendra Singh Vs. State of Bihar & Ors*** in ***Cr.WJC No. 153 of 2017*** with analogous cases decided on 09.09.2022.

Petitioner is hereby directed to file his representation before the Superintendent of Police, Darbhanga (Respondent No.3) within 4 weeks from today and Superintendent of Police

is directed to do the needful for the petitioner relating to relief no. 2 &3 within the time period which is specified in the said order namely, Surendra Singh, Vs. State of Bihar.

So far as the relief relating to Constitution of Special Investigation Team is concerned, this court is not inclined to order constituting to do investigation by SIT.

So far as the 5<sup>th</sup> relief relating to directing any other relief or relief is concerned, the petitioner is free to take relief against the family members in the laws available under The Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005) as the victims and the accused persons except Deepak (accused) are nonetheless but the member of coparcenary. The victim and the accused persons are family member, except Deepak.

In this view of the matter, this Cr. Writ Application is hereby disposed of.

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

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