

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.210 of 2023

Arising Out of PS. Case No.-536 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Nahid Jahan Wife of Md Jahangir, R/V- Bari Khanjarpur Madarsa Lane, P.S-
Kotwali (Barari) Dist- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Ministry of Home Affairs Bihar Patna.
2. Director General of Police Bihar Patna.
3. Superintendent of Police Bhagalpur.
4. Officer in charge Kotwali Police Station Bhagalpur.
5. Sahista Wife of late Rijwan Prawej R/o Mohalla- Rikabganj, P.S- University Dist- Bhagalpur.
6. Md. Khwaja Illias @ Vickky Khan Son of not mentioned R/o Mohalla- Rikabganj, P.S- Tatarpur Dist- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Adv.
For the State	:	Mr. Sheo Shankar Prasad, Adv.
	:	Mr. Sanjay Kumar, AC to SC-8.
For the Res. No.5	:	Mr. Amaresh Kumar, Adv.
For the Res. No.6	:	Mr. Abdul Wadeed, Adv.
	:	Mr. Bijay Kumar Pandey, Adv.
	:	Mr. Mukesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner, learned
counsel for the State learned counsel for the respondent No.5
and learned counsel for the respondent No.6.

The present Cr. Writ Petition has been filed for issuing
mandamus to the respondents for proper investigation in
Bhagalpur Kotwali (Barari) P.S. Case No. 536 of 2021 lodged
under Section 302, 120(B)/34 of the Indian Penal Code read
with Section 27 of Arms Act.

From the contents of F.I.R., it transpires that petitioner



is neither named in the accused column nor in the informant column.

Learned counsel for the State submits that counter affidavit has not been filed in this case.

Learned counsel for the respondent No.6 submits that the trial has come at the advanced stage.

Upon specific query from the Court, counsel for the petitioner submits that the deceased was the brother of petitioner and petitioner is one of the witness, so he has right to file the writ and demand a request from the Court for proper investigation.

This Court is of the opinion that, if witness of the case is ready to adduce his evidence before the court itself and if material comes against the person against whom no action has been taken. The court has right to initiate proceeding against the said person under Section 319 of Cr.P.C. but filing the present writ petition is unnecessary in the opinion of the Court and, therefore, the present Cr. Writ Petition stands dismissed.

(Dr. Anshuman, J.)

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