

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1375 of 2022

Arising Out of PS. Case No.-3833 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Mithlesh Singh, Son of Late Vrinda Singh, Resident of village - Mustafapur,
P.O.- Painathi, Parkhotimpur Painathi, P.S.- Bihta, District - Patna, Bihar -
801103.

... .. Petitioner.

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna, District - Patna.
6. The Assistant Superintendent of Police, Patna Town, District - Patna.
7. The Station House Officer, Hawaii Adda (Airport) Police Station, District -
Patna.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Ratna Deep Prasad, Advocate.
For the State	:	Mr. Manish Kumar, G.P.4.
		Mr. Ajay Kumar, A.C. to G.P.4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-01-2024

Pursuant to previous order, Mr. Rajeev Mishra, the
Senior Superintendent of Police, Patna, is present in the Court.
From the diary, he has pointed out certain dates, which are not
part and parcel of second additional counter affidavit filed on
his behalf. Therefore, it is a clear case of suppression of certain
material information in the Second Additional counter affidavit.



It is a case warranted to take action against the Senior Superintendent of Police, Patna, under Section 340 of the Code of Criminal Procedure. Further it is noticed that he is stated to have reported as a Senior Superintendent of Police Patna, in the month of March, 2023. Even during the period from March, 2023 till December, 2023, he has not undertaken review exercise in respect of investigation conducted by the Investigation Officer or SIT. Perusal of the entire record, it is evident that efficiently the matter has not been handled from time to time, for example, on 25.07.2023, FSL report with respect to DNA test was received to the extent that blood sample belongs to Khushi Kumari, who was missing and found to be murdered. Thereafter, suspected Dhiraj Kumar who was husband of Khushi Kumari and he had given false missing complaint and was arrested only on 18.12.2023. The spot inspection was not made for more than one year while giving impression that it is only a missing case. On the other hand, blood sample of the victim Khushi Kumari was obtained from her bed-room after lapse of about more than one year. In other words, we are not happy with the investigation conducted by the police and so also the supervision made by the then Senior Superintendent of Police and the present Senior Superintendent



of Police, Patna. Further, we have noticed that Dhiraj Kumar was arrested when this Court passed order on 18.12.2023 to the extent that there were no progress in the investigation. Arrest of Dhiraj Kumar on 18.12.2023, we found some fishy for the reasons that for almost seven months, he was not arrested and upon our order dated 18.12.2023, he was arrested on the same day. After our orders from time to time, from 18.12.2023 till 03.01.2024, the charge-sheet is stated to have been filed on 03.01.2024. In other words, by virtue of judicial pronouncements from time to time the Investigating Officer and other Officers are activated in the present matter otherwise, they would have taken their own time to investigate and in filing charge-sheet.

2. Having regard to these facts and circumstances, we propose to drop for initiation of proceedings under Section 340 of the Code of Criminal Procedure against the Senior Superintendent of Police. However, we are compelled to impose fine for the various lapses as is evident from the records on behalf of the Senior Superintendent of Police, Patna. He is hereby directed to pay fine of Rs.1000/- in the Patna High Court Legal Services Authority, Patna and from his pocket, who is present in the Court and could not appreciate various lapses



cited supra. From here afterwords, he is requested to follow the guidelines issued by the Ministry of Home Affairs, Government of India insofar as missing persons which are notified way back on 31.01.2002. He is also hereby requested to ascertain from the D.G.P. Office any further advisories or directions have been issued as to how to handle the missing persons’ case. In the aforementioned advisories, one of advisory is to the Senior Superintendent of Police/ Superintendent of Police of the concerned District to monitor or review the missing persons’ case on monthly basis. These advisories were issued decades back but still it is being ignored even after decade.

3. Taking note of these facts and circumstances, the present Cr.W.J.C. No.1375 of 2022 stands disposed of hoping that the Investigating Officers/Police Department would cooperate in the pending trial case and give quietus to the lis at the earliest.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2024.
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