

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1837 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TIKAPATTI District- Purnia

RAJESH KUMAR JAISWAL Son of Late Madan Mohan Jaiswal R/o vill -
Koyali Simara Purav, P.O. - Koili Semra, P.S. - Tikapatti, Block - Rupauli, Via
A.G. Bazar, Distt. - Purnea 854101, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through its Addl. Chief Secretary Haivng its Office situated at Old Secratariaat The State of Bihar through its Additional Chief Secretary having its Office Situated at Old Secretariat, Patna 800001, Email id - secy-homebih@nic.in, Phone no. 0612-2294050
2. The Bihar Police through its Director General of Police having if Office situated at - Police The Bihar Police through its Director General of Police having if Office situated at - Police Headquarter, Sardar Patel Bhawan, Nehru Marg, Patna 800023, Email id - dgp-bih@nic.in, Phone 0612-2217833
3. The Special Investigation Team (S.I.T.) having its office situated at patna bihar Bihar
4. The Director General of Police, Bihar Bihar
5. The Inspector General of Police, Purnea Bihar
6. The Senior Superintendent of Police, Purnea Bihar
7. The Superintendent of Police, Purnea Bihar
8. The Station House Officer, K. Nagar, Purnea Bihar
9. The Station House Officer, Tikapatti, Purnea Bihar
10. The Assistant Sub-Inspector (IO), Tikapatti, Purnea Bihar
11. Ranjeet Ranjan Son of Chandra Kishor Jaiswal R/o vill - Rajghat, P.O. - Mojampatti, P.S. - Barhara Kothi, Block - Dhamdaha, Distt. - Purnea, Bihar
12. Chandra Kishor Jaiswal Son of Unknown R/o vill - Rajghat, P.O. - Mojampatti, P.S. - Barhara Kothi, Block - Dhamdaha, Distt. - Purnea, Bihar
13. Veena Jaiswal W/o Chandra Kishor Jaiswal R/o vill - Rajghat, P.O. - Mojampatti, P.S. - Barhara Kothi, Block - Dhamdaha, Distt. - Purnea, Bihar
14. Sunita Devi W/o Suresh Prasad Jaiswal R/o vill - Jageli, P.S. - Srinagar, Distt. - Purnea, Bihar
15. Chotu Kumar Jaiswal Son of Suresh Prasad Jaiswal R/o vill - Jageli, P.S. - Srinagar, Distt. - Purnea, Bihar
16. Shubham Kumar Son of Amit Kumar Jaiswal R/o - K.P. Market, Ramnagar, P.S. - Khazanchi Hat, Distt. - Purnea, Bihar
17. Amit Kumar Jaiswal Son of Upendra Bhagat R/o - K.P. Market, Ramnagar, P.S. - Khazanchi Hat, Distt. - Purnea, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana, Advocate
Ms. Misha Bharti, Advocate
Ms. Ananya Shivani, Advocate
Ms. Monalika, Advocate
Mr. Aditya Singh, Advocate
Mr. Shashank Shekhar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2024 Learned counsel for the petitioner submits that in paragraph '1(ii)' inadvertently recorded the designation of the police officer as Superintendent of Police, Patna. It should be the Superintendent of Police, Purnea.

2. Mr. Md. Irshad, learned AC to SC-1 files a counter affidavit. Let it be taken on the record.

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

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

“(i) For issuance of a writ, order or direction in the nature of a writ of mandamus commanding the Respondent no.3, Special Investigation Team (in short “S.I.T.”) to conduct a free, fair, independent and effective investigation, in a time bound manner, under monitoring of this Court in the FIR lodged as Tikapatti Police Station Case No.53/2023.

(ii) To direct the Superintendent of Police, Purnea to conduct a free, fair, independent and effective investigation, in a time bound manner, under monitoring of this Court.

(iii) To direct the Respondents to provide protection to the petitioner and his family members.

(iv) To direct the learned Court below to conclude the trail within 6 months from the order of this Hon'ble Court.

(v) And for any other relief or reliefs to which the petitioner is found entitled.”

5. It is the case of the petitioner that his daughter was married with one Ranjeet Ranjan on 10.07.2016 as per Hindu Rites and Customs. It is alleged that only few days of the marriage the daughter of the informant was being tortured by the family members of her in-laws for non-fulfillment of demand of dowry. The allegation is that the daughter of the informant has been killed on 02.03.2023 for which a First Information Report being Tikapatti P.S. Case No.53 of 2023 has been registered for the offences alleged under Sections 149, 304(B) and 201 of the Indian Penal Code.

6. The grievance of the petitioner is that till date the accused persons have not been arrested. In this connection, the petitioner has approached the court of learned Chief Judicial Magistrate, Purnea under Section 156(3) Cr.P.C. to get a direction to the local police station to lodge a FIR.

7. Learned counsel for the petitioner submits that the learned Magistrate has passed an order under Section 156(3) Cr.P.C.

8. The grievance of the petitioner is that the investigating agency is not properly investigate the case.

9. A counter affidavit has been filed on behalf of the State. It is sworn by the Deputy Superintendent of Police (Traffic), Purnea. From the statements made in the counter affidavit, it appears that the opinion as to the cause of death has been reserved by the doctor awaiting receipt of the viscera examination report from the Forensic Science Laboratory. The report of the same is still awaited.

10. This Court finds that even though the cause of death is yet to be ascertained, the Sub-Divisional Police Officer in his report dated 19.07.2023 has recommended that a final report should be submitted in the case in the mistake category as the facts mentioned in the FIR were not substantiated by the evidences. The report is said to have been accepted by the deponent of the affidavit.

11. Having gone through the pleadings available on the record, this Court is of the considered opinion that the investigation of this case seems to have progressed in a very casual manner. Even as the viscera report of the deceased is yet to be received from the Forensic Science Laboratory, the Sub-Divisional Police Officer has jumped to a conclusion. The affidavit has been filed through Deputy Superintendent of Police (Traffic) and in paragraph '8' of the counter affidavit he states

that the report was accepted by the undersigned by an order dated 31.07.2023.

12. In the given facts and circumstances of the case, this Court is of the considered opinion that the Superintendent of Police, Purnea must review the progress of the investigation so far in the present case, examine the materials collected in course of investigation, immediate steps be taken to collect the viscera report from the Forensic Science Laboratory, Purnea and thereafter on the basis of the materials only a final opinion be formed.

13. The Superintendent of Police, Purnea shall ensure that the investigation be conducted properly and fairly from all angles and an appropriate report be submitted in the court of learned jurisdictional Magistrate within a period of four months from the date of receipt/production of a copy of this order.

14. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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