

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.109 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- GAYA MUFASIL District- Gaya

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Rubi Devi W/o Birendra Yadav Resident of Village - Budheger, P.s.- Mufassil,
Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Deptt. of Home, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. the Senior Superintendent of Police, Gaya.
5. The Sub Divisional Police Officer, Sadar, Gaya.
6. The Station House Officer , Mufassil P.S. Gaya.
7. Smt. Manti Sinha, Sub Inspector of Police Cum nvestigating Officer, Mufassil P.s., Gaya. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar, Advocate
For the Respondent/s	:	Mr.Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 30-08-2025

Heard learned counsels for both the parties.

2. The present petition is filed by the petitioner seeking the following reliefs:-

“(i) For issuance of a writ of mandamus for direction to the respondent no. 4 to take appropriate action against illegalities and high handedness being done by respondent no. 6 and 7 in connivance with the informant of Gaya Muffasil P.S. Case No. 251/2021 without issuance of notice u/S 41(A) of the Code of Criminal Procedure to the husband of the petitioner.

(ii) For issuance of a writ of mandamus for



commanding the respondent no. 4 to explain the reason of not taking action against illegal acts of respondent no. 6 and 7 who are openly supporting the informant of Gaya Muffasil P.S. Case No. 251/2021 and without serving the notice u/S 41(A) of the Code of Criminal Procedure to the husband of the petitioner, illegally entered into house of the petitioner by breaking gate and grill of the door and abused the petitioner in filthy language despite several representations to respondent no. 4.

(iii For issuance of a writ of mandamus for commanding the respondents to ensure issuance of notice u/S 41(A) of the Code of Criminal Procedure to the husband of the petitioner prior to making effort for his arresting who has been made accused in Gaya Muffasil P.S. Case No. 251/2021 registered u/S 420,409 IPC and 138 of the N. I. Act and then proceed on accordance with the provisions of Criminal Procedure Code.

(iv) For issuance of any other relief / reliefs which may deem fit and proper of the facts and circumstances of the case and for which the petitioners may entitle.”

3. During argument, learned counsel for the petitioner submitted that the husband of the petitioner who is accused of Gaya Muffasil P.S. Case No. 251 of 2021 has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 53209 of 2021. Learned counsel further submits that the petitioner is highly aggrieved by the act of the police authorities and its high handedness in not furnishing any notice under Section 41(A) of the Code of



Criminal Procedure and illegally entering into the house of the petitioner. Learned counsel has referred to the supplementary counter affidavit filed on behalf of the respondent no. 4 wherein it has been submitted that though notices under Section 41(A) of the Code of Criminal Procedure was tried to be served upon the accused, the same could not be served as he was absconding but no entry of the same could be made in the case diary and this fact has been mentioned by the Investigating Officer. Further the notice does not bear any stamp and it was neither pasted nor affixed anywhere and no photography or videography was done. Learned counsel further submits that it is completely wrong statement that the Investigating Officer tried to serve notice under Section 41(A) of the Code of Criminal Procedure upon the husband of the petitioner.

4. Since these facts have been taken note of by the Senior Superintendent of Police, Gaya wherein he has called for a report from the Investigating Officer vide its letter dated 12.09.2023 and considering the doubtful nature of explanation of the Investigating Officer, Senior Superintendent of Police, Gaya is directed to take appropriate steps after proper inquiry in accordance with law against the delinquent.

5. Since the present matter has been filed seeking



relief against high handedness of police authorities and considering the counter affidavit, it supplementary and rebuttal, I do not think any useful purpose would be served in continuing with the matter. Hence, the present matter is disposed of with the aforesaid direction to the Senior Superintendent of Police, Gaya.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	30.08.2025
Transmission Date	30.08.2025

