

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.398 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- KURSAKANTA District- Araria

Sanjula Devi W/O Umesh Mandal Village- Chikanighat P S Kursakanta, Dist-
Araria

... .. Petitioner/s

Versus

1. the State of Bihar, through the Chief Secretary, Govt. of Bihar Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar Bihar
3. The Superintendent of Police, Araria Bihar
4. The Station House Officer, Kursakanta Ps- Dist-Araria Bihar
5. The Investigation Officer, Kursakanta, Araria Bihar
6. Head Master Navsrijit Primary School, Fakirna W.No-13, Po- Ghat Chikni
Ps- Kursakanta, Araria
7. Aman Kumar Mandal son of Jitendra Mandal Village- Ghat Chikni Ps-
Kursakanta Dist- Araria
8. Daulti Devi wife of Jitendra Mandal Village- Ghat Chikni Ps- Kursakanta
Dist- Araria
9. Kala Devi wife of Birendra Mandal Village- Ghat Chikni Ps- Kursakanta
Dist- Araria
10. Beyas Kumar Mandal son of Birendra Mandal Village- Ghat Chikni Ps-
Kursakanta Dist- Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Respondent/s : Mr.A.A.G.7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-07-2025 Heard the parties.

2. By way of this writ application, the petitioner has
prayed for the following reliefs:-

*i. For issuance of appropriate
order/orders, direction/directions to the
respondents concern to arrest the accused persons
(Pvt. Resp. No-7 to 10) who is accused in*



connection with Kursakanta P.S Case No-294/2023 and due to accused persons son of the informant petitioner losses his right eyes, whom serious offences u/s 341, 323, 324, 325, 326, 504, 34 of IPC.

ii. For issuance of appropriate order/orders, direction/directions to the respondent concern to start proper investigation against the accused person of Kursakanta P.S Case No-294/2023 dated 24.12.2023 who have not arrested till the date.

iii. For taking appropriate action the concern respondents who have helped to not arresting the accused persons and did not start proper investigation against to accused persons.

iv. For issuance of appropriate order/orders, direction/directions to the respondent concern to given compensation amount to the son of the informant petitioner who losses his right eyes due to private accused respondents.

3. The Hon'ble Supreme Court in the case of ***Sakiri Vasu vs. State of U.P., reported as (2008) 2 SCC 409*** had discouraged the practice of approaching the High Court with a prayer for registration of an F.I.R/proper investigation. The relevant paragraphs of the aforesaid decision read as under:-

“27. As we have already observed above, the Magistrate has very wide powers to direct



registration of an FIR and to ensure a proper investigation, and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 Criminal Procedure Code simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police. For this grievance, the remedy lies under Sections 36 and 154(3) before the concerned police officers, and if that is of no avail, under Section 156(3) Criminal Procedure Code before the Magistrate or by filing a criminal complaint under Section 200 Criminal Procedure Code and not by filing a writ petition or a petition under Section 482 Criminal Procedure Code.

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere” (Emphasis supplied)

4. The aforesaid ratio was reiterated by the Hon’ble Supreme Court in the case of ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhangre reported as (2016) 6 SCC 277*** and in the case of ***M. Subramaniam vs. S. Janaki reported as***



(2020) 16 SCC 728.

5. If the case is not investigated properly on account of inaction on the part of the police officials or the actions not to the satisfaction of the petitioner, then the efficacious alternative remedy is available to the petitioner under sections 190, 200 of the Cr.P.C (sections 210, 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023) or other statutory provisions under law.

6. Therefore, the petitioner is given liberty to avail alternative remedies as provided under the Cr.P.C./Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for proper investigation.

7. Accordingly, this application is disposed of with the aforesaid liberty to the petitioner.

(Sandeep Kumar, J)

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