

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.697 of 2025

Arising Out of PS. Case No.-473 Year-2022 Thana- KALYANPUR District- Samastipur

1. Vijay Kumar @ Vijay Kumar Yadav S/o- Late Shyam Kishore Yadav Resident Of Village-belayakub, Po- Kabir Chak, Ps- Bahadurpur, Dist- Darbhanga, Presently Posted in the office of Circle Officer Bankatwa Revenue Circle Office, East Champaran R/o- Ghorasahan Ps- Ghorasahan Dist- East Champaran
2. Manisha Kumari W/o- Vijay Kumar Village-belayakub, Po- Kabir Chak, Ps- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department Bihar State Govt. Patna Bihar
2. The Secretary Home Department, Bihar State Govt. Patna Bihar
3. The Director General of Police, DGP Bihar Bihar
4. The Inspector General Mithila Range Headquarter at Darbhanga Bihar
5. The Senior Superintendent, Darbhanga Bihar
6. The Superintendent of Police, Samastipur Bihar
7. The Sub Divisional Police Officer, SDPO, Samastipur Sadar Bihar
8. The Station House Officer, Kalyanpur Samastipur Bihar
9. The Collector cum District Magistrate, East Champaran at Motihari Bihar
10. The Circle Officer, Bankatwa REvenue Circle Officer, East Champaran Bihar
11. Anita Devi W/o- Late Shyam Kishore Yadav @ Late Shivan Yadav Village- Chandi Po- Kabir Chak Ps- Bahadurpur Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr.Devkumar Pandey, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-04-2025 Heard the parties.

2. The petitioners have moved the Court for the following reliefs:

“For a direction upon Respondent no. 4 to 8 to conduct a proper, fair and impartial investigation of Kalyanpur P.S. Case No.473 /22 dated 14.12.2022 in Samastipur district wherein the present petitioner no.1 namely Vijay Kumar has unscrupulously been identified as FIR named accused no.1 Vijay



Yadav, notwithstanding the communication of sufficient materials to the investigating police by the office of respondent Circle officer Bankatwa (East Champaran district) that present petitioner no.1 was found working between 10 am to 5 pm in his circle office at Banktwa which is 156 Km away from alleged crime scene, on the alleged date of occurrence of said crime.

B. For a direction upon the Respondents no. 4 to 8 to nab the main culprit of aforesaid prosecution case, namely Vijay Yadav, in the light of representation of petitioner no. 2, as this Vijay Yadav is a co-villager of the informant's village Chandi lying within same Post office and Police station in which the residential house of Petitioner no. 1 is situated and said Vijay Yadav is also named accused in an old crime of attempt to murder which is registered as Simri PS case no. 110/2018 in Darbhanga district and due to which he had developed inimical relations with the deceased husband of informant of Kalyanpur PS case no. 473/22 who was also a co- accused in said case of attempt to murder.

C. A direction to respondent nos 4 to 8 to ascertain the location and mobile phone connectivity on the basis of call detail records (CDR) of said Vijay Yadav and to also check the CDR of Petitioner no. 1 and other accused persons of said Kalyanpur PS case no 473/22 and put the same on investigating radar so as to unearth the truth and nab the real culprit Vijay Yadav whom the police authorities have given leeway to move Scot free.

D. For a direction on respondent authorities not to take any coercive actions against the petitioner no. 1 unless any incriminating material comes against him during the investigation being redirected and monitored by a competent senior police officer.

E. For any other relief or reliefs as deem fit and proper in the fact and circumstances of this case.”



3. Learned senior counsel for the petitioners prays for proper investigation in the case claiming that the petitioners, who is a Nazir in Bankatwa Circle was not present on the spot on the date and time of occurrence.

4. During investigation, it is found that the petitioners were not present at the place of occurrence or was not involved in the occurrence, then appropriate final form may be filed by the Police. If the contention of the petitioners is found false, then appropriate charge sheet shall be filed.

5. Learned senior counsel for the petitioners is permitted to approach the Superintendent of Police, East Champaran with his representation about his presence at different places than the place of occurrence on the date of occurrence. If such an application is filed, the Superintendent of Police, East Champaran will get the same verified and examined and until then, no coercive steps shall be taken against the petitioners.

6. This application is disposed of with the aforesaid direction.

(Sandeep Kumar, J)

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