

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.889 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Radhika Devi, Wife of Shankar Sah Resident of village - Rampur Ratan, Pin - 843128, P.S. - Sibayee Patti, distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The Inspector General of Police, Tirhut Division, Muzaffarpur Bihar
4. The Superintendent of Police, Muzaffarpur Bihar
5. The Sub-Divisional Police Officer, East, Muzaffarpur Bihar
6. The S.H.O., Sibayee Patti Police Station, Muzaffarpur Bihar
7. The Investigating Officer, Sibayee Patti P.S. case no. 202/2022, Distt. Muzaffarpur Bihar
8. Ranjan Kumar Son of Devendra Sah Resident of village - Jamalabad, P.S. - Ahiapur, Distt. - Muzaffarpur
9. Brij Bihari Son of Laxmi Rai Resident of village and post - Chaturthi, P.S. - Sibayee Patti, Dist. - Muzaffarpur
10. Amod Kumar Son of Nandlal Rai Resident of village - Chhitani, P.S. - Sibayee Patti, Distt. - Muzaffarpur
11. Pramod Kumar W/o Rajendra Rai Resident of village - Tajpur Saraiya, P.S. - Tariyani Chapra, Distt. - Shivhar
12. Tinku Kumar Son of Maheswar Sah, S/o Vishwanath Sahni Resident of village - Neura, P.S. - Saraia, Distt. - Muzaffarpur
13. Randhir Kumar @ Fulbabu Rai Son of Jagdish Rai Resident of village - Belahi Lachhi, P.S. - sibayee Patti, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha
For the Respondent/s : Mr. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

11 27-01-2025 1. Unfortunately, the husband of the Informant, Mamta Bharti, got missing since 10th of October, 2022. On 14th of October, 2022, she lodged a complaint in Sibayee Patti Police



Station, stating, inter alia, that on 10th of October, 2022, in the morning, he left for Patna with one Amod Kumar and at about 12 noon he informed that he was coming back to his house. However, till date, he has not been recovered. On the basis of the said complaint, Police registered Sibayee Patti P. S. Case No. 202 of 2022, dated 14th of October, 2022, under Sections 363, 365 and 34 of the Indian Penal Code and took up the case for investigation.

2. The instant writ petition has been filed by one Smt. Radhika Devi, mother of the victim, alleging, inter alia, that the investigation was not properly conducted by the Police Authority. More than two years have elapsed but the husband of the Informant could not be recovered.

3. It is ascertained from the submission made by the learned Advocate appearing on behalf of the Petitioner that the Investigating Officer has failed to interrogate Amod Kumar with whom the husband of the Informant left his home on 10th of October, 2022 in the morning for Patna. If Amod Kumar would have been interrogated, the whereabouts of the Petitioner could be ascertained. It is also submitted by the learned Advocate for the Petitioner that the Investigating Officer also did not interrogate other suspects, namely, Pramod Kumar and Tinku



Kumar, who are named in the F.I.R. Therefore, they may be interrogated for ascertainment of actual incident.

4. In the instant case, counter affidavit and rejoinder have been exchanged.

5. It is ascertained from the counter affidavit and the rejoinder that during investigation, Amod Kumar obtained anticipatory bail from the Court of jurisdictional learned Sessions Judge.

6. When the Petitioner is aggrieved in respect of the course of investigation and he wants Amod Kumar, Tinku Kumar, Pramod Kumar and Brij Bihari are to be interrogated to ascertain the fact about missing of the husband of the Informant, the instant writ petition is disposed directing the Investigating Officer to interrogate the above-named persons and record their statements in accordance with law.

7. If after recording the statement of the above-named persons, the Investigating Officer gets some material, he shall take steps in respect of Sibayee Patti P. S. Case No. 202 of 2022 in accordance with law.

8. Since the case is pending for more than two years, the Investigating Officer is directed to interrogate the above-named persons within a period of 45 days. The Investigating



Officer is also at liberty to deal with the investigation of this case in accordance with law after examination of the above-named persons.

9. With the aforesaid direction, the instant petition stands disposed of, on contest, however, without costs.

10. Personal appearance of the Investigation Officer, concerned, is dispensed with.

(Bibek Chaudhuri, J)

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