

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1338 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- GAMAHARIYA District- Madhepura

Meera Devi W/O Ram Bharosh Choudhary R/O Village- Parjuar, Ps.
Madhubani, Dist. Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Director General Of Police, Bihar, Patna Bihar
2. The Inspector General Of Police Bihar, Patna Bihar
3. The Deputy Inspector General Of Police Koshi Range, Saharsa Bihar, Saharsa
4. The Superintendent Of Police Madhepura Bihar, Madhepura
5. The Deputy Superintendent Of Police, Madhepura Bihar, Madhepura
6. The Officer-In-Charge Of Gamaharia Police Station, District Madhepura Bihar, Madhepura
7. The Investigating Officer Of Gamaharia Ps. Case No. 35/2023, District Madhepura Bihar, Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Roy, Advocate
For the Respondent/s	:	Mr. M. Nasrul Huda Khan, Advocate (SC-1) Ms. Babita Kumari, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 08-01-2025 The petitioner is the defacto complainant in Gamaharia P.S. Case No.35 of 2023. On the basis of her complaint, a case under Sections 363/365 of the I.P.C. was registered against some accused persons, who happened to be in the matrimonial relations of her daughter. The said persons who were arrayed as accused in Gamaharia P.S. Case No.35 of 2023 has not been made parties in the instant case.

2. It is ascertained from the application under Article 226 of the Constitution of India that the daughter of the



petitioner, namely, Rakhi Kumari instituted a case against her husband and matrimonial relations under Section 498A/34 of the I.P.C. and Section 3/4 of Dowry Prohibition Act. She also filed an application under Section 125 of the Cr.P.C., which was registered as Maintenance Case No.107 of 2017.

3. The learned Principal Judge, Family Court, Madhepura directed her husband to pay maintenance at the rate of Rs.6,000/- per month w.e.f. 16.11.2017 in the aforesaid maintenance case.

4. It is further alleged by the petitioner that her daughter went to Madhepura Court to give evidence in Gamaharia P.S. Case No.57 of 2017 on 22.02.2023 on that day there was no sitting of the Court and the date was fixed on 23.02.2023. However, on and from 23.02.2023 her girl was missing and it was suspected that the accused persons of Gamaharia P.S. Case No.57 of 2017 had kidnapped her.

5. By filing the instant writ petition, the petitioner has prayed for direction upon police authority to arrest the accused persons.

6. First, I have already recorded that the accused persons have not been made respondents in the instant case, therefore, no order can be passed without hearing the affected



persons. Secondly, investigation of Gamaharia P.S. Case No.57 of 2017 is in progress. It is within the domain of the Investigating Officer, as to whether for the purpose of investigation, arrest of the accused persons is necessary or not. The Court cannot make any direction to the Investigating Officer to arrest the accused persons of a particular case, for this reason also, the instant writ petition is misconceived.

7. Accordingly, the instant writ petition is summarily dismissed.

(Bibek Chaudhuri, J)

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