

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1902 of 2024

Arising Out of PS. Case No.-739 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

NIROO KUMARI @ NIRU KUMARI D/O- SUNIL KUMAR , W/O-
KUNDAN KUMAR R/V- VILLAGE/MOHALLA- H/No. 953
VISHNUPURI, CHITKOHRA, ANISHABAD, PATNA, PIN -800002

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH ADDITIONAL CHIEF SECRETARY,
DEPT. OF HOME AFFAIRS, GOVT. OF BIHAR, PATNA BIHAR
2. THE CHIEF SECRETARY, GOVT. OF BIHAR, PATNA BIHAR
3. THE ADDITIONAL CHIEF SECRETARY, GENERAL
ADMINISTRATION DEPARTMENT, GOVT. OF BIHAR BIHAR
4. THE ADDITIONAL CHIEF SECRETARY, HUMAN RESOURCE
DEVELOPMENT DEPARTMENT, GOVT. OF BIHAR, PATNA BIHAR
5. THE SECRETARY, DEPARTMENT OF LAW AND JUSTICE, GOVT.OF
BIHAR, PATNA BIHAR
6. THE SECRETARY, SOCIAL WELFARE DEPARTMENT, GOVT. OF
BIHAR, PATNA BIHAR
7. THE SECRETARY, WOMEN AND CHILD WELFARE DEPARTMENT,
GOVT. OF BIHAR, PATNA BIHAR
8. THE DISTRICT EDUCATION OFFICER, DISTRICT- ARARIA BIHAR
9. THE PRINCIPAL, UHS RAMPUR KODARKATTI HIGH SCHOOL,
FORBISGANJ, ARARIA, DISTRICT- ARARIA BIHAR
10. KUNDAN KUMAR SON OF RAJKUMAR SINGH R/O- KHAGAIL,
ANANDPURI, NEAR PRABHAKAR POLY CLINIC, P.S.- KHAGAIL,
DISTT.- PATNA
11. NARENDRA SINGH @ GANDHI SON OF RAJKUMAR SINGH R/O-
KHAGAIL, ANANDPURI, NEAR PRABHAKAR POLY CLINIC, P.S.-
KHAGAIL, DISTT.- PATNA
12. RAJKUMAR SINGH R/O- KHAGAIL, ANANDPURI, NEAR
PRABHAKAR POLY CLINIC, P.S.- KHAGAIL, DISTT.- PATNA
13. LALTI DEVI WIFE OF RAJKUMAR SINGH R/O- KHAGAIL,
ANANDPURI, NEAR PRABHAKAR POLY CLINIC, P.S.- KHAGAIL,
DISTT.- PATNA
14. SONAM BHARTI 2ND WIFE OF KUNDAN KUMAR, D/O- MUKESH
KUMAR SINGH R/O- KHAGAIL, ANANDPURI, NEAR PRABHAKAR
POLY CLINIC, P.S.- KHAGAIL, DISTT.- PATNA
15. MUKESH KUMAR R/O- DAUDNAGAR, P.O.- CHAKGADHO
DAUDNAGAR, MOTALUKE, DAMAIPATTI, BAIDUPUR BAZAR,
DISTT.- VAISHALI



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha
For the Respondent/s : Mr.S.C.24
Mr. Sudhanshu Shekhar AC to SC 24

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-04-2025 Heard the parties.

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

(i) For the issuance of an appropriate writ against Kumari Rinku, Learned Judicial Magistrate, Ist Class, Patna Sadar, as it appears from the records of the case that she is either incompetent or acting illegally for extraneous reasons favoring the Private Respondents as it is evident from the order dated 19/05/2023 passed in complaint case No. 739/2023, wherein cognizance under Section 498A of the IPC was taken against only one accused, namely Respondent No.10 (Kundan Kumar), despite a prima facie case being made out under Sections 406, 323, 498A, 494, and 120B of the IPC, and Sections 3/4 of the Dowry Prohibition Act. It is further prayed that this Hon'ble Court may kindly direct the court below to pass a fresh order regarding cognizance after applying judicial mind.

ii) It is prayed that a show-cause notice be issued to the aforementioned Ld. Judicial Magistrate, 1st Class, as to why disciplinary or departmental proceedings should not be initiated for the aforementioned omissions and commissions by her.

iii) It is further prayed that the Learned ADJ-25, Patna, be directed to decide Criminal Appeal No.69/2022, which has been pending in his



Court for a long time, arising out of Domestic Violence Case No. 108/2018, forthwith.

iv) To direct and command the respondents to secure the fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution of India to the writ petitioner.

v) To direct the respondents of the Department of Education working under the Human Resource Development Department to give effect to Rule No. 23 of the Bihar Government Servant Conduct Rules, 1973.

vi) To direct and command the Learned Registrar of the District Court, Patna, to initiate an enquiry for filing a false affidavit in ABP No. 881/2024, as provided in Section 340 read with Section 195 of the Cr.P.C.

vii) To direct and command the official respondents to provide necessary help to the writ petitioner to secure her fundamental rights for upgrading and uplifting the status of a women in the society and country, as per the scheme of the Govt. and in accordance with law.

3. Learned counsel for the petitioner has prayed to delete the first part of the prayer no. 1 (i).

4. So far as second part of the prayer no. 1 (i) is concerned, the petitioner is permitted to file a revision application because, in the opinion of this Court, criminal writ is not maintainable when the cognizance is not being taken as per the complaint of the petitioner or the petitioner may file an application at the stage of Section 319 of the Cr.P.C. for summoning of the additional accused.



5. The ADJ, 25, Patna/successor Court is directed to conclude the D.V. Appeal No. 69 of 2022 expeditiously, preferably within six months from the date of receipt/communication of a copy of this order.

6. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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