

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1964 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- ROSERA District- Samastipur

Sanjay Chaudhary S/O Ramashish Chaudhary R/O village- Chakansir, PO- Sukki, PS- Patepur, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna
2. The Director General of Police (DGP), Govt. of Bihar, Patna
3. The Inspector General of Police, Darbhanga Range, Muzaffarpur
4. The Superintendent of Police, Samastipur
5. The Deputy Superintendent of Police, Headquarters (DSP HQ), Rosera at Samastipur
6. The Officer- In- Charge-cum-SHO, Rosera Police Station, Samastipur
7. The Investigating Officer (I.O.), Rosera Police Station, Samastipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Adv., Mr. Amar Kumar, Adv., Ms. Deepshikha, Adv. Ms. Divayani Kumari, Adv.
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 07-04-2025 The petitioner is the unfortunate father of the deceased. On 17th June, 2024 at about 6:40 A.M. the petitioner received an information that his son had met with an unnatural death. He subsequently, lodged F.I.R. against unknown persons and on the basis of the F.I.R. a case under Section 302 of the I.P.C being Rosera P.S. Case No. 134 of 2024, dated 17th June, 2024 was registered.

2. During investigation, the mother of the deceased



informed the Sub-Divisional Police Officer, Rosera and the Sub-Divisional Magistrate, Rosera that the deceased took loan of Rs. 2,00,000/- (Two Lakh) from some of his colleagues. On 16th June, 2024, at about 7:30 P.M. the father of the deceased received a phone call from the deceased and he came to know from the background sound that some heated exchange of words were going on between the deceased and some other persons. Secondly, his dead body was found in the Office in hanged condition.

3. It is contended on behalf of the petitioner that 16th June, 2024 was Sunday and there is no explanation as to why and how the Office of the deceased was open and the deceased and some other persons with whom an altercation was going on were present in the Office. The petitioner and his wife subsequently, came to know about the name of the persons from whom the deceased took loan. They suspected that the deceased was murdered by the said persons when he failed to pay the loan amount, as per demand of the suspects. In spite of such information, the Investigating Officer did not conduct proper investigation to ascertain the involvement of the said name suspects. It is, therefore, prayed by the petitioner that Police Authority may be directed to conduct proper investigation



against the named suspects.

4. The respondents have filed a counter affidavit, wherein it is stated that on the basis of letter written by the mother of the deceased to the Sub-Divisional Police Officer, the S.H.O., Rosera Police Station inquired into the matter and submitted his report and the report reveals that the deceased committed suicide by hanging.

5. It was also stated on behalf of the respondents that the dead body of the deceased was brought down from the Noon and formal Inquest Report was prepared in presence of the family members of the deceased. During investigation, Police recovered a Mobile Phone of the deceased where he himself made a videography of the commission of suicide. The Videography is produced before this Court along with counter affidavit by a pen drive attached to it.

6. The petitioner filed a rejoinder to the counter affidavit stating, inter alia, that the Investigating Officer did not prepare Inquest in proper form following the requirements of Section 174 of the Cr.P.C. No seizure list (Panchnama) was prepared from the place of occurrence. The Postmortem report shows superficial burning in the frontal portion of neck. Abrasion on right second toe of foot. Abrasion on right scapula.



Abrasion and burning on the left scapula like electrocution mark.

7. The Autopsy Surgeon did not submit any final opinion as to the cause of the death till recovery of F.S.L. Report. The F.S.L. Report is pending.

8. There is no explanation from the side of the respondents as to why there were electrocution mark on the body of the deceased specially, when according to the Investigating Officer he committed suicide by hanging. Injury caused by electric shock or electrocution cannot be caused by self-infliction. Therefore, it is presumed that there were other persons present at the scene of occurrence when the deceased had met with an unnatural death.

9. In view of such circumstances, the instant criminal writ petition is disposed of directing the Police Authority/respondents to examine the suspects on the following points:-

(I) As to whether the deceased took loan of Rs. 2,00,000/- (Two Lakh) from them ?

(II) As to whether there was some animosity over non-payment of the said money ?

(III) As to whether the Office of the deceased



remained open on 16th June, 2024, which was Sunday and who
open the Office ?

(IV) How the deceased received injuries by
electrocution on his body ?

(V) Whether any seizure-list was prepared in respect
of any article on the spot ?

10. The Investigating Officer is also directed to collect
the F.S.L. Report and come to the final conclusion as to the
cause of death of the deceased. Such investigation shall be
concluded within six months from the date of communication of
this order.

(Bibek Chaudhuri, J)

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