

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.9 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- PHULWARIYA District- Gopalganj

Laxmi Singh @ Laxmi Narayan Singh S/O Late Shivnath Singh R/O Village-
Kushaha, P.S- Bhore, Distt.- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Superintendent of Police, Gopalganj.
4. The Sub-Divisional Police Officer, Hathua, Distt.- Gopalganj.
5. The Investigation Officer, Phulwariya Police Station, Distt.- Gopalganj.
6. Sri Panchalal Gupta, The Director New Gyanlok Competition School, Mazirwa Kala, P.S- Phulwariya Distt- Gopalganj.
7. Sri Dilip Kumar Sah, The Principal New Gyanlok Competition School, Mazirwa Kala, P.S- Phulwariya Distt.- Gopalganj.
8. Sri Madho Kumar, Hostel Ward Incharge New Gyanlok Competition School, Mazirwa Kala, P.S- Phulwariya Distt- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Prasad, Adv.
For the State	:	Mr. Krishna Kant Singh, Adv.
For Respondent nos. 6 to 8	:	Mr. Sanjay Kumar, Adv., Mr. Lokesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 07-02-2025 The petitioner is the grand-father of the deceased minor boy, who used to studying and staying in a hostel at Mazirwa Kala, P.S.-Phulwariya, District- Gopalganj. He was a student of class-Nursery at New Gyanlok Competition School, Mazirwa Kala, P.S.-Phulwariya, District- Gopalganj. At the time of death, he was aged about 9 years. All these facts are ascertained from the writ petition itself.



2. The petitioner has filed the instant writ petition praying for issuance of a writ in the nature of mandamus, directing the respondents to investigate Phulwariya P.S. Case No. 301 of 2023, dated 19th August, 2023 properly against private respondent nos. 6 to 8 and also to submit charge-sheet against them.

3. Prayer of the petitioner is that the above named private respondents may be arrested in connection with this case. The private respondent no. 6, Sri Panchalal Gupta, the Director, New Gyanlok Competition School, respondent no. 7, Sri Dilip Kumar Sah, the Principal of the said School and respondent no. 8, Sri Madho Kumar, Hostel Warden of the hostel attached to the said School.

4. The prosecution case in brief is that, on the basis of written statement submitted by the informant/petitioner on 19th August, 2023 at about 6:45 P.M., it was ascertained that the informant received information from the said School at about 8:16 A.M. in the morning that his grand-son namely Aaryan Kumar, S/o Devendra Singh, received injury in the hostel of his School and he was admitted to Hathuwan Hospital. The informant rushed to the hospital and found dead body of Aaryan Kumar lying in abandoned condition.



5. It is sufficient to state at this stage that on the basis of complaint made by the informant, Police registered a specific case under Section 302 and other cognate penal provision and took up the case for investigation. During investigation, the Investigating Officer came to the conclusion that one Akhilesh Kumar, a juvenile and co-student of the School caused serious injury on the person of Aaryan Kumar with the help of pieces of bricks and thereafter strangled him to ensure his death.

6. The informant has filed the instant writ petition on the ground that the Investigating Officer failed to carry out the investigation properly to ascertain the role of the private respondents in the incident because of the facts:-

(i) The deceased was under their authority and control when the deceased had met with an unnatural death, it is the private respondents, who should come up with the explanation as to why the said student was murdered.

(ii) The alleged incident took place according to investigation at 6:59 A.M. while at 7:00 A.M. is the official time for the students to attend the Prayer Hall. There is no explanation why the deceased was not present in the Prayer Hall.

(iii) The Medical Officer found the boy dead when he



was brought to the Hospital, but the informant was informed from the School Authority that the deceased was injured and his medical examination was being conducted in the Hospital. Therefore, from the statement of the School Authority, it could be ascertained that the deceased was alive when information was sent to the informant at about 8:16 A.M. on 19th August, 2023.

(iv) The Police did not examine the C.C.T.V. footage to ascertain the role of the private respondents at the time of occurrence.

7. I have carefully perused the case diary and written notes submitted on behalf of the petitioner, on the basis of case diary, the Investigating Officer seized the C.C.T.V. footage. The C.C.T.V. footage disclosed that on 19th August, 2023 at about 6:59 A.M., deceased and Akhilesh Kumar were present in the class room of the deceased and then the deceased climbed up to the roof of the School and Akhilesh Kumar followed him. The statement of Akhilesh Kumar was recorded and he admitted that he committed murder of the deceased. Therefore, it is clear that the private respondents had no role in the incident of murder of the victim nor then insisted Akhilesh Kumar to commit murder of the child.



8. It is contended on behalf of the petitioner that why did not the Principal, Director and Warden visited the roof of the School, when the victim was found injured. Even assuming that the private respondents did not visit the roof of the School where the victim was assaulted, it might at best be an act of negligence on the part of the respondents. For such negligent act, it cannot be said that they attributed to the offence of murder or that they had any role under Section 120B or Section 34 of the I.P.C.

9. For the reasons stated above and on careful perusal of the materials on record, I do not find any reason to hold that the investigation was running in perfunctory manner. The investigation is being proceeded in a right direction and accordingly, the instant writ petition is dismissed on contest.

10. Along with the disposal of the instant Criminal Writ Petition, I.A. No. 01 of 2024 is also disposed of.

(Bibek Chaudhuri, J)

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