

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.294 of 2026

Arising Out of PS. Case No.-2 Year-2019 Thana- SONBERSHA RAJ District- Saharsa

1. Rajesh Sada Son of Harischandra Sada Resident of village- Soha PS -Sonbarsa Raj District- Saharsa
2. Rakesh Mohan singh @ Bablu Singh Son of Jwala Prasad Singh Resident of village- Soha PS -Sonbarsa Raj District- Saharsa
3. Pankaj Yadav @ Pankaj Kumar @ Pintu Yadav son of Dular Chandra Yadav Resident of village- Soha PS -Sonbarsa Raj District- Saharsa
4. Binod Sah son of Kamo Sah @ Kameshwar Sah Resident of village- Soha PS -Sonbarsa Raj District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home Secretary, Govt. of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna
4. The Deputy Inspector General of Police, Bihar, Patna
5. The Superintendent of Police, Saharsa Bihar
6. The SHO, Sonbarsa Raj, Ps- Saharsa Bihar
7. The Investigating Officer, sonbarsa Raj, PS- Saharsa Bihar
8. Subhak Ram Son of Late Bauku Ram Resident of village- Sonha Ward no. 4, PS -Sonbarsa Raj District- Saharsa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs.Rashmi Jha, Advocate
For the Respondent/s : Mr.Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2026

Heard learned counsel for the parties.

02. The present writ petition has been filed seeking direction to the respondent authorities to investigate Sonbarsa Raj P.S. Case No. 02 of 2019 registered for the offences under Section 363, 366,364, 302, 201, 34 of the IPC and Sections 3(1)



(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, afresh.

03. Learned counsel for the petitioner submits that for the same occurrence a FIR and a complaint case both were instituted on the same date i.e., 03.01.2019 at the instance of respondent no. 8. In connection with Sonbarsa Raj P.S. Case No. 02 of 2019 charge sheet has been submitted on 30.06.2019 for the offences under Section 363, 366,364, 302, 201, 34 of the IPC and Sections 3(1)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the petitioners. Thereafter, the learned trial court took cognizance for the offences aforementioned against the petitioners on 12.02.2020 for the occurrence of 16.12.2018. Learned counsel submits that charges have been framed. Learned counsel also submits that after 19 days of the alleged occurrence, the respondent/complainant also filed complaint case on 03.01.2019 against the petitioner nos. 1,2,3,4 and the father of petitioner nos. 3 and the father of petitioner no. 2. Further, this complaint was filed with changed facts and different set of accused persons. In the complaint case, the age of the victim girl was mentioned as 22 years whereas in the FIR it was mentioned as 16 years. Even the allegation of kidnapping which was against four persons in the FIR whereas in the



complaint case, the same came to be instituted against six persons though the informant claims to be an eye witness in both the cases. Meanwhile, a decomposed dead body was recovered which was claimed to be the dead body of the daughter of the informant. No scientific examination was done on the dead body to establish its identity. In these facts and circumstances, the submission of charge sheet and subsequently cognizance and framing of charges are not proper and the matter needs to be re-investigated by some other agency.

04. Learned counsel appearing on behalf of the State/respondents contends that the present writ petition is not maintainable and it has been filed after much delay and there are laches on part of the petitioners. The occurrence is of 16.12.2018 and the FIR was lodged on 03.01.2019. Thereafter, the charge sheet was submitted on 30.06.2019. If the petitioners were having any grievance, they could have approached the learned trial court and recorded their objection but they chose not to do so. Further cognizance has been taken and charges have been framed. Therefore the present writ petition has also not remained maintainable on this account. Learned counsel also submits that the petitioner has other alternative remedies for redressal of their grievance.



05. Having regard to the rival submission of the parties, I am in agreement with the learned counsel for the State/respondents.

06. Firstly, the petitioners have approached this Court quite late and in the present case after seven years. Asking for a re-investigation in the matter after seven years is simply impermissible. Moreover, the petitioners never approached either the learned trial court or this Court in any manner or did not move any application for re-investigation under Section 173(8) of the CrPC/ Section 193(9) of the BNSS. The matter proceeded further and a cognizance has been taken and as submitted at the Bar charges have also been framed. This Court could not interfere with judicial orders in a writ jurisdiction under Article 226 of the Constitution of India. Once cognizance has been taken, the role of Writ Court ends and other remedies become available to the petitioners. At this stage, directing for further investigation would simply mean interference with the judicial proceedings which are already at an advance stage. Now, the petitioner has got other remedies seeking discharge or if charges would not have been framed for setting aside the cognizance orders before the appropriate forum. But in any case, the petitioner could not seek any relief in a writ petition



under Article 226 of the Constitution of India considering the stage of the case and the facts in issue.

07. In the light of the discussion made hereinbefore, I do not think the present writ petition could be entertained and hence, the same is dismissed.

(Arun Kumar Jha, J)

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