

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.323 of 2026

Arising Out of PS. Case No.-114 Year-2025 Thana- MOHANPUR District- Samastipur

Basudeo Rai Son of Late Babujan Rai, Resident of Village- Mohanpur, PS
-Pattori, Dist -Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through Principle Secretary, Home Dept. Govt. of Bihar, Patna Bihar.
2. The Inspector Genral, Patna bihar
3. The Senior Superintendent of Police, Samastipur bihar
4. The Deputy Superintendent of Police (Head Quarter), Samastipur bihar
5. The Sub Divisional Police Officer, Patori, Samastipur bihar
6. The Station House Officer, Mohanpur Ps, Samastipur bihar
7. Jagriti Verma @ Deepa Wife of Sanjay Kumar Roy Resident of Village -Mohanpur, PS- Mohanpur, Dist- Samastipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Respondent/s : Mr. S.C.23

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-07-2026

Heard learned counsels for the parties.

2. The present writ petition has been filed seeking
following reliefs:

“(i) For issuance of appropriate writ, order or direction specially in the nature of “Mandamus” commanding the respondent authorities to hold a proper and impartial investigation in Mohanpur P.S. Case No. 114 of 2025 dated 28.05.2025 lodged under Sections 329(3), 126(2), 115(2), 109, 118(1), 352 and 351(2) of the B.N.S., 2023; because two contradictory Supervision Reports have been filed in the aforesaid case resulting in miscarriage of justice and accused person is trying to take undue advantage of second supervision report.



(ii) For issuance of appropriate writ, order or direction specially in the nature of Certiorary for quashing the second supervision report submitted by Sri Krishna Kumar Diwakar, Dy. S.P. (HQ), Samastipur, whereby though the Case NO. 114 of 2025 has been found true but Section 109 of the B.N.S. has been removed from the array of Section, and in this way the case has been made bailable.”

3. Learned counsel for the petitioner submits that Police has not properly investigated the matter and though the petitioner was assaulted by respondent no. 7 with intention to kill him, in the second Supervision note, the Deputy Superintendent of Police has removed Section 109 of the B.N.S., 2023 and found the case to be true only under Sections 126(2), 115(2), 118(1), 352 and 351(2) of the B.N.S., 2023. Learned counsel for the petitioner also submits that the respondent no. 7 is the daughter-in-law of the petitioner and during some altercation she struck the petitioner with iron-rod and brick causing injuries to his head. Earlier, the Sub-Divisional Police Officer in his Supervision note dated 23.06.2025 has found the case true even under Section 109 of the B.N.S., 2023. Learned counsel further submits that these two notes with different findings show that the Police has not properly investigated Mohanpur P.S. Case No. 114 of 2025 and therefore the authorities be directed to hold proper and impartial investigation in the aforesaid Police Station case.



4. Learned counsel appearing on behalf of respondent State submits that the present writ petition is not maintainable as petitioner has been seeking intervention of the Court in investigation process. Learned counsel also submits that the Police has properly and impartially investigated the matter and in subsequent Supervision note, Deputy Superintendent of Police, HQ, has not found the case true under Section 109 of the B.N.S., 2023. At the same time, the same officer has found the case filed by the respondent no. 7 *vide* Mohanpur P.S. Case No. 122 of 2025 to be non-cognizable against the same petitioner and his wife. It shows that the Supervisory Officer has been impartial and has correctly reported the matter. Chargesheet is yet to be filed and the petitioner has rushed to this Court in premature manner. Learned counsel also submits that so far as the prayer of the petitioner for quashing the second Supervision report is concerned, there are no grounds available for the same and only on submission of the petitioner making allegation that report is not proper, the same could not be quashed.

5. I have given my thoughtful consideration to the rival submissions advanced by the parties and perused the record.



6. From perusal of record, I find that it is a case of domestic dispute involving parents-in-law and daughter-in-law. After some altercation, it is alleged that the daughter-in-law (respondent no. 7 herein) attacked the petitioner and his wife and both of them received injuries. The injuries have been found to be simple and caused by hard and blunt object on the petitioner. The allegation is assault by brick and iron-rod. If there was an intention to cause death, there might have been repetition or the injuries would have been graver. At the same time, the Deputy Superintendent of Police, HQ, Samastipur, has recorded the evidence of the witnesses and thereafter recorded his own view and omitted inclusion of Section 109 of the B.N.S., 2023. This Court would be quite reluctant to enter into the domain of the investigating agency and could not substitute its views upon the view taken by the investigating officer, unless there is perversity or complete malafide writ large on the face of record causing miscarriage of justice. The Hon'ble Supreme Court has time and again held that the Courts should not interfere with the investigation proceedings. The allegation of bias or the investigation not being proper is also belied by filing of the non-cognizable report on the FIR instituted by the daughter-in-law (respondent no. 7). The Court needs to consider



the facts in totality to gauge any bias. Still, if the petitioner is aggrieved by non-inclusion of Section 109 of the B.N.S., 2023, he can take up this issue at the time of taking of cognizance or framing of charge. The story of the petitioner and his view of the matter cannot influence the investigation process and the petitioner cannot insist that only his version be taken to be true.

7. In the light of the aforesaid discussion and taking a holistic view, I do not find merit in the present writ petition and hence the same is dismissed.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NAFR
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