

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.361 of 2026

Arising Out of PS. Case No.-292 Year-2024 Thana- BHAGWANPUR District- Vaishali

Makunta Devi W/o Late Shri Nivas Sahani R/o Village - Banthu Ward No.1,
P.S - Bhagwanpur, District – Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna Bihar
2. The Director General of Police, Baldeo Bhawan, Patna, Bihar Bihar
3. The Inspector General of Police, Tirhut Division, Muzaffarpur Bihar
4. The Superintendent of Police, Vaishali at Hajipur Bihar
5. The Officer-in-Charge of Bhagwanpur Police Station, District - Vaishali Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. G.A. 3

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-07-2026 Heard the learned counsel for the petitioner.

2. The present writ petition has been filed seeking
following relief(s):

*“i. For issuance of writ in the nature of
"Certiorari" to apprehend the accused named
in Bhagwanpur PS Case no. 292/2024 for
offence u/s 103(1)/3(5) of Bhartiya Nyaya
Sanhita whereas the above mentioned case is
registered dated on 29.10.2024 is a serious
offence but respondents are in connivel along
with accused, that till date no accused was
apprehended.*

ii. For issuance of a appropriate



order/direction to do proper investigation of the case in consideration of all the accused who have assaulted in presence of informant.

iii. For grant of any other relief/ reliefs in the interest of justice, equity and good conscience.”

3. Learned counsel for the petitioner submits that the FIR has been instituted on 29.10.2024, the police has not been arresting the accused persons, namely Baiju Sahani and Golu Kumar, though there is allegation of causing death of the husband of the informant by these two persons along with other co-accused persons.

4. From perusal of record, I find that counter affidavit has been filed and from the report of Sub Divisional Police Officer, Lalganj Sadar-2, Vaishali, it transpires that altogether ten persons were made accused by the informant for brutally assaulting her husband, which resulted in his death. Out of the ten named accused persons, charge-sheet has been submitted against five accused persons, including Baiju Sahani and Golu Kumar, and except for these two accused persons, other three accused persons have been granted bail. Five other co-accused persons were found not involved in the occurrence and they were exonerated. It has also been mentioned in the counter



affidavit that the case has been pending for arresting the accused persons, namely Baiju Sahani and Golu Kumar. It has further been submitted that a number of raids were conducted to execute the warrant which has been issued for their arrest. But these two persons have neither been arrested nor surrendered before the learned trial court. It has also been mentioned in the counter affidavit that the petitioner has failed to point out any slackness on part of the police.

5. Since warrants have already been issued against the accused persons, namely Baiju Sahani and Golu Kumar, of Bhagwanpur P.S. Case No. 292 of 2024, who have not yet been arrested, the respondents are directed to take further steps to ensure their arrest and production before the concerned court at the earliest.

6. Accordingly, with the aforesaid direction, the present writ petition stands disposed of.

(Arun Kumar Jha, J)

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