

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1039 of 2014

Arising Out of PS. Case No.-50 Year-2014 Thana- MOTIPUR District- Muzaffarpur

Surenbra Ram, Son of Late Ram Deo Ram, Resident of Village-Barajidiah,
P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Muzaffarpur
3. Officer Incharge, Motipur, Muzaffarpur.
4. Officer Incharge, Ahiyapur, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Srivastava, Amicus Curiae
For the Respondent/s : Mr. Subhash Chandra Mishra (SC-16)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

17 22-06-2026 Heard Mr. Abhishek Kumar Srivastava, learned
counsel (Amicus Curiae) for the petitioner and Mr. Subhash
Chandra Mishra, learned SC-16 for the State.

2. The instant writ application has been filed under
Articles 226 and 227 of the Constitution of India by the
petitioner with a prayer to issue a criminal writ in the nature of
mandamus to direct the respondents especially respondent No. 3
(Officer Incharge, Motipur, Muzaffarpur) to investigate Motipur
P.S. Case No. 50/2014 and Motipur P.S. Case No. 26/2013
properly.

3. Learned Amicus Curiae appearing for the petitioner
submits that the investigation in connection with Motipur P.S.



Case No. 50/2014 was started after several months after the death of the petitioner's wife only pursuant to the direction of the concerned Magistrate and the police were initially reluctant not to investigate both the aforesaid criminal cases. In connection with Motipur P.S. Case No. 26/2013, pertaining to the death of the petitioner's wife, the son of the deceased was chargesheeted, though sufficient evidence was available with the police to show the direct role of Sunil Ram, Upendra Ram, Shobha Kumari and Reena Devi in the commission of the murder of the petitioner's wife.

4. On the other hand, learned SC-16 appearing for the State submits that after the intervention of the trial court and this Court, the concerned Investigating Officer made investigation in proper manner and in the present time, Motipur P.S. Case No. 26/2013 is running for taking cognizance and the petitioner may raise his grievance before the concerned Magistrate where Motipur P.S. Case No. 26/2013 is pending for taking cognizance and as far as Motipur P.S. Case No. 50/2014 is concerned, the same is running at the advanced stage of trial and in this regard, specific statements have been made in the supplementary counter affidavit filed on behalf of the respondent No. 2.

5. Heard both the sides and perused the petition,



supplementary counter affidavit filed on behalf of the respondent No. 2 and other relevant materials. The investigation in Motipur P.S. Case No. 50/2014 has already been completed several years ago and the trial of the accused concerned to the said P.S. case is running at advanced stage and several prosecution witnesses have already been examined, so, if the petitioner has any grievance regarding the non-implication of any person or not taking of cognizance against any accused despite the evidence that has come on record during the course of trial, it shall be open to him to avail such remedy as may be available in law before the trial court including a prayer under section 358 of the BNSS and as far as the Motipur P.S. Case No. 26/2013 is concerned in which the main grievance of the petitioner is making the petitioner's own son accused with respect to the death of his own mother, as the investigation has already been completed in the said matter and the same is running at the stage of cognizance, in which the petitioner's son can also raise his grievance and it is proper to leave the questions raised by the petitioner open for the trial court and cognizance taking court for addressing the same and it will not be proper to interfere in the trial pertaining to Motipur P.S. Case No. 50/2014 and the criminal case pertaining to Motipur P.S.



Case No. 26/2013 at this stage. Accordingly, with this observation, the instant criminal writ application stands disposed of.

6. Mr. Abhishek Kumar Srivastava, learned *Amicus Curiae* shall be entitled to remuneration, as per notification dated 18.05.2017 issued by the State Government, to be paid by the Patna High Court Legal Services Committee for assisting this Court as *Amicus Curiae*.

(Shailendra Singh, J)

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