

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2693 of 2025

Arising Out of PS. Case No.-552 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Manju Kumari Wife of Late Ashwani Kumar Resident of House No 41
Village -Tetrawan P.O -Tetrawan P.S- Manpur Tetrawan District -Nalanda
Bihar 803101

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna Bihar
2. The Director General of Police, Govt. of Bihar, Patna Bihar
3. The Senior Superintendent of Police, Dist- Patna, Bihar Bihar
4. The Sub Divisional Police Officer, Ram Krishna nagar, Patna Bihar
5. The Station House officer (SHO), Ramkrishna Nagar Police Station, Patna, Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kumar, Advocate
For the Respondent/s	:	Mr. Mrigendra Kumar, AC to GP-20

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 12-01-2026

Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of State-respondents.

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

*"I. Issue an appropriate writ of Mandamus,
or any other appropriate writ, order or
direction, commanding the Respondents to
conduct further/Additional investigation in
Ramkrishna Nagar P.S. Case No. 552/2023,
particularly with respect to the threats made
to the Petitioner on her mobile phone by
Abhishek Kumar on 04/09/2023 at 9.55 p.m.,*



as recorded in the charge sheet, in relation to her deceased son Ashutosh Kumar; for the role of Abhishek Kumar in the incident, has not been adequately investigated; and the Respondent's failure to incorporate the Petitioner as a Prosecution Witness or to produce her Call Detail Records (CDRs), despite specific mention of the same in the charge sheet;

II. And for the issuance of a writ of Mandamus, or any other appropriate writ, directing for a proper and fair investigation into the role of Komal and Shikha Kumari in the incident, inasmuch as the charge sheet itself records that the mobile location of komal bearing number 8292359787 was found within a distance of 300 metres from the place of occurrence at the relevant time and numerous calls were made by Abhishek Kumar to Shika Kumari on her mobile number 7488919934 emanating from the location of the occurrence. Call Detail Records (CDRs) of komal and Shikha Kumari, have not been produced thereby rendering the investigation incomplete and necessitating appropriate directions from this Hon'ble Court;

III. For grant of any other appropriate Writ, Order/Orders or Direction as this Hon'ble Court may deem fit and



proper in the facts and circumstances of the case, in the interest of justice."

3. From perusal of record, it transpires that Ramkrishna Nagar P.S. Case No. 552 of 2023, dated 05.09.2023 has been registered under Section 302/234 of the Indian Penal Code and Section 27 of the Arms Act on fardbeyan of Chaukidar Dina Paswan after recovery of a dead body. After investigation police made a number of persons as accused in this case and submitted charge sheet vide Charge Sheet No. 01/2024, dated 13.01.2024 and supplementary charge sheet vide Charge Sheet No. 233/25, dated 14.03.2025. The grievance of the petitioner is that one Abhishek Kumr and two ladies Komal and Shikha Kumari have not been made accused or police did not properly investigate the matter. However, these persons have not been made respondents in the present case.

4. Learned counsel for the petitioner submits that the investigation has not been made properly in the present case and the police authorities have failed to make the petitioner as a witness in the present case and further failed to investigate the phone record of the petitioner as well as one Abhishek Kumar and Komal. Though said Abhishek Kumar threatened the petitioner that the son of the petitioner will face dire consequence, if he did not end his proximity with aforesaid



Komal. Learned counsel further submits that even the call details of other co-accused persons were not investigated in this case and thus, the investigation has been made in perfunctory manner and the accused persons have been got bail from the learned trial court. Learned counsel refers to the case of ***Devendra Nath Singh Vs. State of Bihar & Ors, 2022 LiveLaw (SC) 835*** passed in ***Criminal Appeal No. 1768 of 2022***, wherein the Hon'ble Supreme Court held that in an appropriate case, where the High Court feels that the investigation is not in the proper direction and to do complete justice where the facts of the case so demand, the inherent powers under Section 482 CrPC could be exercised to direct further investigation or even re investigation. Learned counsel further submits that Section 173(8) CrPC do not limit or affect such powers of the High Court to pass an order under Section 482 CrPC for further investigation or re investigation, if the High Court is satisfied that such a course is necessary to secure the ends of justice. Therefore, there is urgent need for order to the police authorities to further investigate the matter so that real culprits could be punished. On query, the learned counsel submits that the matter is at the stage of recording of prosecution evidence.

5. Learned counsel appearing on behalf of State-



respondents submits that the present writ petition is not maintainable in the light of specific provisions of law. Learned counsel refers Section 193(9) of B.N.S.S. to stress the point that the petitioner should have approached the learned trial court as Section 193(9) provides that further investigation during trial might be conducted with the permission of the court trying the case. Therefore, there is no occasion for this Court to intervene in the matter as the petitioner has not approached the learned trial court with prayer for further investigation in the matter. Learned counsel also submits that the reliance placed on ***Devevendra Nath Singh*** (*supra*) is not relevant for the purpose of the present case since in the case of ***Devendra Nath Singh*** (*supra*) the matter was at the stage of cognizance and trial has not commenced.

6. I have given my thoughtful consideration to the rival submission of the parties. Section 193(9) of B.N.S.S. reads as under.

"...(9) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral



or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):

Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court."

7. The provision makes it clear that a person aggrieved by the investigation can approach the court concerned if investigation has not been conducted in proper manner. Further the proviso to Section 193(9) makes it clear that if trial has commenced, further investigation could be conducted with the permission of the court trying the case and the same shall be completed within a period of ninety days which may be extended further with the permission of the court. Apparently, the petitioner has got an alternative and equally efficacious remedy for the same. The petitioner has not availed the remedy to approach the learned trial court seeking further investigation



in the matter and has directly come before this Court by filing the instant writ petition under Article 226 of the Constitution of India. Therefore, the instant petition could not be entertained having regard to availability of alternative remedy since Writ jurisdiction is an extra ordinary remedy. The reliance placed on **Devendra Nath Singh** (*supra*) is misplaced as the petition has not been filed under Section 482 CrPC/528 BNSS and trial has commenced. If the trial has proceeded in the matter as learned counsel for the petitioner submits that the matter is at the stage of prosecution evidence, this Court would not like to interfere in the matter and would relegate the petitioner to approach learned trial court with her grievance. Moreover, the learned trial court is better suited to supervise further investigation and pass necessary direction as and when required.

8. Accordingly, finding the writ petition to be not entertainable by this Court, the same is dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2026
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