

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2077 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Alvira Khan @ Babli, D/o Md. Rafique @ Rafique Khan @ Saanu Khan R/o Samanpura, Near Chaudhari Hotel, Raja Bazaar, P.O and P.S. - Shashtri Nagar, Distt. - Patna
2. Md. Arish Khan @ Faizan @ Md. Faizan Khan, Son of Md. Rafique @ Saanu Khan, R/o Samanpura, Near Chaudhari Hotel, Raja Bazaar, P.O. and P.S. - Shashtri Nagar, Distt. - Patna. Presently R/o Chirstian Medical Hospital, P.S. - North, Distt. - Vellore, State - Tamil Nadu
3. Md. Kamran Khan @ Md. Amir Khan, Son of Md. Rafique @ Saanu Khan R/o Samanpura, Near Chaudhari Hotel, Raja Bazaar, P.O. and P.S. - Shashtri Nagar, Distt. - Patna. Presently R/o Chirstian Medical Hospital, P.S. - North, Distt. - Vellore, State - Tamil Nadu

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Gov. of Bihar Bihar, Patna
2. The Additional Chief Secretary, Department Of Health, Gov. Of Bihar, Patna Bihar
3. The Secretary, Department Of Health, Gov. Of Bihar, Patna Bihar
4. The Officer Of Special Duty, Dep. Of Health, Gov. Of Bihar, Patna Bihar
5. The Superintendent, Patna Medical College And Hospital, P.S. - Pirbahore, Distt - Patna Bihar
6. The Senior Medical Officer, Lok Nayak Jai Prakash Narayan Hospital, P.O and P.S. - Shashtri Nagar Bihar, Patna
7. The District Magistrate Patna Bihar
8. The Senior Superintendent Of Police Patna Bihar
9. The Station House Officer, Shashtri Nagar, P.S. Distt. - Patna Bihar
10. The Investigating Officer of Shastri Nagar Police Station Case No. 194 of 2022, Distt. - Patna Bihar
11. Noorjahan @ Noor Jahan W/O Md. Sajjad R/O Samanpura, Near Chaudhari Hotel, Raja Bazaar, P.O. and P.S - Shashtri Nagar, Distt. - Patna
12. Adeeb Ahmad, Son Of Md. Sajjad, R/O Samanpura, Near Chaudhari Hotel, Raja Bazaar, P.O. and P.S - Shashtri Nagar, Distt. - Patna
13. Dr. Abhay Kumar Son Of Unknown Senior Medical Officer, Lok Nayak Jai Prakash Narayan Hospital, P.O. and P.S. - Shastri Nagar, Distt. - Patna
14. Medionn Diagnostics Limited through its Director Correspondence - 13, Burnt Salt Gola Lane, Near Howrah AC Market, P.S. - Howrah, Distt. - Howrah 711101, W.B
15. Dr. Ashish Kumar Jain, Mbbs, Md In Radiodiagnosis, Medionn Diagnostics Limited, Central Library - 56/2, Ramlochan Shire Street, Belur Math, Beside



Forum Pravesh, P.S - Bally, Distt. - Howrah 711202, WB

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate.
Mr. Brajesh Sahay, Advocate.
For the State : Mr. Prem Ranjan Kumar, AC to AAG-IX

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 16-06-2026 The present writ petition has been preferred by the three petitioners seeking proper investigation in Shastri Nagar P.S. Case No. 194 of 2022 registered on 14.04.2022 for the offences punishable under Sections 341, 342, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

2. The petitioner Nos. 2 and 3 are accused in the said FIR and petitioner No. 1 is the sister of other two petitioners.

3. Mr. Amit Narayan, learned counsel for the petitioners and Mr. Prem Ranjan Kumar, AC to AAG-IX on behalf of the State and the State instrumentality are present.

4. I heard learned counsel for the petitioners and learned counsel for the State.

5. Learned counsel for the petitioners submits that though, the petitioners are accused, they have right to file this writ for proper investigation because the I.O. has been fabricating false evidence against the petitioner Nos. 2 and 3. He further submits that under Article 21 of the Constitution of



India, fair investigation and fair trial are integral part of right to life and liberty and, hence, such right is available not only to the informant/victim but even to the accused because Police authorities is required to be fair even to the accused in regard to investigation.

6. I agree with learned counsel for the petitioners that this writ petition is maintainable by the petitioners even if they are accused in the said FIR.

7. However, it transpires from the statement at the bar that in this FIR not only investigation has been completed and charge sheet has been submitted but even cognizance has been taken against the petitioner Nos. 2 and 3 and the same cognizance order has been challenged by petitioner No. 2 by way of Cr. Misc. 18892 of 2026 and by petitioner No. 3 by way of Cr. Misc. 73014 of 2025.

8. In view of aforesaid development in this case, the present writ petition has become infructuous, because now judicial order has been passed and petitioners have already availing judicial remedy against the judicial order.

9. However, learned counsel for the petitioner is seeking liberty to raise the grievance of fabrication of evidence even during the course of hearing of Cr. Misc. filed by the



petitioners against the cognizance order because he is submitting that he has documents of sterling nature which shows that some evidence has been fabricated by the prosecution side to falsely implicate the petitioners and that liberty should be preserved so that he can raise the same in the course of hearing of the quashing petitions filed under Section 482 Cr.P.C. against the cognizance order passed in regard to said FIR. He is also seeking liberty to file copy of the documents supplied by the respondents/State instrumentalities and private respondents in this Proceeding which he has preferred under Section 482 Cr.P.C. against the prosecution.

10. Accordingly, the present petition is dismissed as infructuous with the liberty as sought for.

(Jitendra Kumar, J)

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