

ITEM NO.12

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 132/2016

ASHA RANJAN

Petitioner(s)

VERSUS

STATE OF BIHAR AND ORS.

Respondent(s)

(with office report)

Date : 23/09/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Kislay Panday, Adv.
Mr. Rishi Kapur, Adv.
Mr. Ankur Gogia, Adv.
Ms. Amzy Mishra, Adv. Ms. Manju Jetley, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

In this petition preferred under Article 32 of the Constitution of India, the petitioner, a hapless and helpless widow of a senior reporter of a news daily, i.e., 'Dainik Hindustan' has asserted that her husband, Rajdev Ranjan, was brutally murdered on 13.05.2016 by a group of persons and on the basis of an FIR the investigating agency of the police station Nagar Thana, District Siwan arrested five persons but did not take any steps to arrest two principal accused persons, namely, Mohammad Kaif and Mohammad Javed as a consequence of which they were declared proclaimed offenders by the Court. It is submitted by Mr. Kislay Panday, learned counsel appearing for the petitioner that Mohammad Kaif has surrendered to custody day before yesterday but Mohammad Javed is still absconding. According to the petitioner, the proclaimed offenders were seen on many an occasion with Respondents 3 and 4,

after he was admitted to bail. As alleged in the petition, the proclaimed offenders accompanied the 3rd respondent while he was set at liberty from custody. Submission of Mr. Panday is that though the investigation has been transferred to the Central Bureau of Investigation (CBI) by notification dated 16.05.2016, the investigation has not yet progressed and the petitioner who has two children has been compelled to live in constant fear.

It is urged by Mr. Panday that criminilization of politics has been heavily commented upon and deprecated by this Court in many a decision including the one in Manoj Narula vs. Union of India [(2014) 9 SCC 1] and case at hand depicts a disturbing affair in that regard, for the respondents 3 and 4, though hold party position and position in the political executive, yet do not even think for a moment before associating themselves with such kind of anti-social elements and, in fact, sometimes render assistance.

It is further submitted by Mr. Panday that if the investigation and trial takes place in the Siwan District in the State of Bihar, the respondent nos. 3 and 4 and the other accused persons will terrorise the witnesses as a consequence of which the petitioner would not get any justice and remain a constant victim searching for solace. On a perusal of the petition, it is *prima facie* discernible that the petitioner who lives with two small children, after losing her husband and the developments that have taken place in the District Siwan, is in a state of continuous fear. It has been said that courage is the mother of all virtues and a man with courage can always sustain his or her dignity. But, sometimes, situations are created by certain powerful protagonists which instill fear in the mind of a citizen and that fear has the potentiality to usher in atrophy to the sense of dignity. It is also asserted in the petition that in the obtaining fact situation, this Court may direct for giving her protection by the competent authority failing which it is difficult to fathom, what kind of danger shall visit her.

Issue notice returnable within two weeks. A copy of the petition be served on Mr. Gopal Singh, learned standing counsel for the State of Bihar who shall obtain instructions from respondent nos.1 and 2. As far as respondents 3 and 4 are concerned, Mr. Gopal Singh shall instruct the respondent no.1, the Home Secretary of the State of Bihar to see to it that the respondent nos.3 and 4 are served dasti. As far as respondent no.2 is concerned, a copy be served on Mr. Gopal Singh, apart from dasti.

As far as the CBI is concerned, let a copy of the petition be served on Mr. P.K. Dey, learned counsel, who ordinarily appears for CBI so that he can take instructions.

In course of hearing, Mr. Pandaya submitted that the CBI has not commenced the investigation. In view of that, we direct that the CBI may proceed with the investigation but not finalize it and shall file the status report before this Court on 17.10.2016.

The Superintendent of Police, Siwan District shall provide police protection to the petitioner and her family. The concerned Station House Officer of Nagar Thana shall also see that the protection is given. We have directed both the Superintendent of Police and the Station House Officer so that the petitioner, a lady in distress, shall feel protected.

Call the matter on 17.10.2016.

Registry is directed to reflect the name of Mr. Gopal Singh and Mr. P.K. Dey, learned counsel in the cause list on that day.

Registry is directed to send a copy of the order passed today to the Superintendent of Police, district Siwan, respondent no.2 herein.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master