

S U P R E M E      C O U R T   O F      I N D I A  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 296 OF 2009

CHANDRIKA PRASAD YADAV

Appellant (s)

VERSUS

STATE OF BIHAR &amp; ORS.

Respondent(s)

(With Office Report for direction)

Date: 21/10/2011      This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Appellant(s)

Mr. Rajiv Shankar Dvivedi, Adv.

For Respondent(s)

Mr. Gopal Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Gopal Singh, learned Standing Counsel for the State of Bihar, submitted that a thorough investigation has been made by the local police and it has come to light that the father of the girl Ruchi Kumari, who is the petitioner in this special leave petition, and her maternal uncle were, in fact, behind the four girls' escape (including Ruchi Kumari herself) from the remand home. It was with the active assistance of the petitioner and the maternal uncle of Ruchi Kumari that the girls were able to make good their escape from the remand home.

The above submission is made primarily on the basis of the statement of two of the girls, namely Nibha @ Minta

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Devi and Meera Kumari, who were recovered and whose statements were recorded under Section 164 of the Code of Criminal Procedure, 1973. Nevertheless, no action was taken either against the petitioner or the maternal uncle of Ruchi Kumari.

Counsel for the petitioner, however, refers to paragraph 8 of the affidavit filed on behalf of the State on September 13, 2011 and states that as a matter of fact neither the petitioner nor the maternal uncle of Ruchi Kumari had any role in their escape from the remand home according to the State's own affidavit.

Be that as it may, the admitted position is that Ruchi Kumari, after her disappearance from the remand home, has so far not been recovered.

The failure to recover Ruchi Kumari is a sad reflection on the investigation made by the local police and it also appears contrary to the statement that the girl's father and her maternal uncle were behind her escape from the remand home. Had the petitioner and the maternal uncle of the girl been responsible for her escape from the remand home, there would have been no difficulty in finding out her present location through them.

We are not satisfied with the investigation made by

the local police and we wish the State Government to take the matter more seriously. We expect the State Government to have the matter thoroughly investigated either by the State C.I.D. or even by forming a Special Investigating Team under the supervision of the Director General of Police.

We are confident that a thorough investigation under the personal supervision of the Director General of Police will surely lead to the recovery of the girl and bring the true facts to light.

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Put up after six weeks.

Before the next date, Mr. Gopal Singh will file a Status Report apprising the Court of the result of further investigation in the matter.

Let a copy of the order be given to Mr. Gopal Singh.

(N.S.K. Kamesh)  
Court Master

(Sneh Bala Mehra)  
Court Master