

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.65 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Satish Kumar S/O Gautam Singh r/o Vill Maldihiya P.S. Paharpur Dist. E. Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Superintendent of Police East Champaran at Motihari
3. Officer Incharge Paharpur Police Station Dist-E. Champaran
4. Investigation Officer Paharpur Police Station Dist E. Champaran
5. D.I.G. Champaran Range at Bettiah
6. I.G. Muzaffarpur at Muzaffarpur
7. D.G.P. Bihar at Patna
8. Dy. S.P. Arearaj Sub Division at Arearaj Dist. E. Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar No.2, Adv.

For the Respondent/s : Mr. Raju Giri, GP-30

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-08-2015

One Bhuteli Mahto submitted his written report to the Officer-in-Charge of the Town Police Station, Motihari, East Champaran on 10.06.2012 making certain allegations against six persons named in the report. On receipt of the written report of Bhuteli Mahto, the Police registered Paharpur P.S.Case No. 152 of 2012 dated 10.06.2012 under sections 341, 323, 325 and 504 read with 34 of the Indian Penal Code. In course of investigation the allegations leveled in the written report were found to be true, and apart from the named accused, the petitioner was also sent up for trial

vide charge sheet no.133 of 2015 dated 30.05.2015.

It is contended that the petitioner has become a victim of highhandedness of police. The investigating agency is in collusion with the informant and a false report has been submitted before the court. On the aforesaid contentions, the prayer of the petitioner in the present writ application is to hand over the investigation of the aforesaid Paharpur P.S.Case No.152 of 2012 to an independent agency like CBI or CID.

In my view, the application is misconceived. Once the Investigating Officer has submitted his report under section 173 of the Code of Criminal Procedure, it is for the Magistrate concerned to take into consideration the materials available on record and pass appropriate orders in accordance with law.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U		T	
---	--	---	--