

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.792 of 2014

Arising Out of PS.Case No. -205 Year- 2014 Thana –GARDANIBAGH District- PATNA

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Akshay Kumar, Son of Shiv Shanker Paswan , resident of Jalalpur , P.S.- Sohsarai ,
District - Nalanda .

.... Petitioner

Versus

1. Union of India through Central Selection Board, Bihar, Patna .
2. The Superintendent of Police, Patna
3. Laxman Prasad (I.O.) of Gardanibagh P.S. Case No. 205/14.
4. Vikas Kumar, S/o - Shri Krishna Prasad (S.I) informant of Gardanibagh Case No. 205/14.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Adv.
Mr. Raj Krishna Jha, Adv.
For the Respondents/U.O.I. : Mr. Ram Anurag Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 11-03-2015

The petitioner has been made accused in Gardanibagh
P.S. Case No. 205 of 2014 registered under Sections 420, 467, 468
and 471 of the Indian Penal Code. The First Information Report
discloses commission of cognizable offence.

By filing this application under Articles 226 and 227
of the Constitution of India, the petitioner seeks a direction to be
issued to the respondents to hold an enquiry by an independent agency
in connection with the aforesaid Gardanibagh P.S. Case No. 205 of

2014.

In my view, the application is totally misconceived as holding investigation into a cognizable offence is the statutory right of police. There is absolutely nothing on record on the basis of which any doubt can be raised against the bonafide of the local police. It is true that in exercise of power under Article 226 of the Constitution of India, this Court can transfer investigation of the case to any other agency but such power has to be exercised with great care and caution. There is nothing in this case on the basis of which this Court may reach to a conclusion that it is an exceptional case, which needs to be investigated by any independent agency.

The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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