

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.820 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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Bipin Kumar Jha son of Bishambhar Jha, resident of village- Nawa Nagar, P.S.-
Bahera, P.O.- Ali Nagar, Dist.- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate

For the Respondent/s : Mr. Veena Rani Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-03-2015

Heard learned counsel for the petitioner and learned counsel
for the State.

By filing this application under Articles 226 and 227 of the
Constitution of India, petitioner seeks quashing of the first
information report in Ghanshyampur P.S. Case No.102 of 2012
registered under sections 420, 467 and 468 read with 34 of the Indian
Penal Code. In the first information report, two persons have been
named. The allegations made in the FIR do constitute a cognizable
offence.

It has been contended by learned counsel for the petitioner
that though the petitioner has not been named in the FIR but in course
of investigation the police have illegally made him accused. He has

submitted that the police have not followed the mandatory provisions prescribed under the Code of Criminal Procedure and, hence, the investigation of the case is tainted. According to him this Court should monitor the investigation of the case so that the petitioner may not be harassed illegally by the police.

In my view, the application is thoroughly misconceived. To hold investigation into a cognizable offence is the statutory right of the police. At the stage of investigation, the Court has no role to play. It is well settled that neither the informant nor the accused has a right to dictate the manner in which an investigation into a cognizable offence ought to have been conducted.

In that view of the matter, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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