

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.733 of 2014

Arising Out of PS.Case No. -176 Year- 2013 Thana -Naugachia District- BHAGALPUR

1. Keshav Kumar Son of Rabindra Kumar Singh represented Through his guardian namely Bardana Devi Wife of Suresh Mandal Resident of Village - Bahadurpur, P.S.- Zero Mila, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. Regional Inspector General of Police, Bhagalpur
3. Division Commissioner, Bhagalpur
4. Deputy Inspector General of Police, Bhagalpur
5. District Magistrate, Bhagalpur
6. Superintendent of Police, Bhagalpur
7. Deputy Superintendent of Police, Bhagalpur
8. Officer- in- charge, Police Station - Naugachia

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

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

Ms Aditi Hansaria, A.C. to GP 30

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-02-2015

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

The petitioner is the informant of Naugachia P.S.Case No. 176 of 2013 initially registered for the offence punishable under section 365 of the Indian Penal Code. Subsequently, sections 364, 120-B and 201 of the Indian Penal Code were also added to the F.I.R.

In this application filed under Articles 226 and 227 of the Constitution of India, the prayer of the petitioner in paragraph 1 is as under :-

“1. That by this writ application, the petitioner seeks indulgence of this Hon’ble Court for issuance of an appropriate writ/writs, direction/directions for the following reliefs :-

- I) For issuance of an appropriate writ in the nature of Mandamus calling upon the respondents authorities to reinvestigate the case in the light of the Confessional Statement made by one of the co-accused that deceased was thrown into the current of river Koshi by adding Section 302 of the Indian Penal Code in the Charge Sheet.
- II) For issuance of appropriate writ in the nature of Mandamus directing the respondent authorities to follow the directions of the superior authorities and act in accordance with law.
- III) For grant of any other relief/reliefs for which the petitioner may be found entitled to in the facts and circumstances of the case.”

Learned counsel for the petitioner has submitted that the investigation of the case is not proceeding in right direction. Some of the accused, who were arrested in course of investigation, have made inculpatory confessional statement before the police, still the police are not acting on the lead given by the apprehended accused.

Be that as it may, to hold investigation into a cognizable offence is the statutory right of the police. The informant may be interested in securing conviction against the accused involved in the crime but he cannot take up the role of an investigating officer. Neither the accused nor the informant has a right to dictate the

manner in which investigation of an offence be conducted.

In that view of the matter, I am not inclined to entertain the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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