

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.908 of 2014

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1. Shambhu Sharan Singh, son of Shri Indrajeet Singh.
 2. Umesh Kumar Singh, son of Late Govind Singh.
 3. Shri Krishna Singh, son of Late ram Achal Singh.
 4. Aditya Narayan Singh, son of Late Radha Sharan Singh.
 5. Kameshwar Singh, son of Late Mahadeo Sharan Singh.
- All (1 to 5) resident of Village- Chamanpura, P.O.-Chamanpura, P.S. Baikunthpur, District-Gopalganj.

.... Petitioners.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Secretary, Home (Police) Department, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The Director General of Police, Government of Bihar, Patna.
6. The Inspector General of Police, Tirhut Range, Muzaffarpur.
7. The Deputy Inspector General of Police, Saran Division, Chapra.
8. The Superintendent of Police, Gopalganj.
9. The Sub-Divisional Police Officer, Gopalganj Sadar, District-Gopalganj.
10. The Officer-in-Charge, Baikunthpur Police Station, District-Gopalganj.

.... Respondents.

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Pandey No-5, Advocate.
For the State : Mr. Syed Arshad Alam- SC-3, Advocate.
Mr. Anjum Praveen, A.C. to S.C.-3.
Mr. Mahfooz Rahman, Advocate.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 10-07-2015 Heard learned counsel for the petitioners and learned counsel for the State.

This application has been filed for commanding the respondent authorities to reopen the investigation of Baikunthpur P.S. Case No. 209 of 2011 in connection with recovery of rare statue of God which has been theft.

Earlier the petitioner has moved before this Hon'ble Court

in Cr.W.J.C. No. 649 of 2012 which was dismissed as withdrawn. Further a Cr. Misc. No. 1544 of 2014 has been filed before this Hon'ble Court and Hon'ble Court had been pleased to observe that this Court is not inclined to interfere in the matter and this application is accordingly disposed of. Further observed that in view of this Court, the power under Section 173(8) Cr.P.C. can be exercised by the investigating agency on obtaining further evidence of oral and documentary. The petitioners have the remedy either to submit appropriate application before the investigating agency or file a protest petition before the learned court below.

Having regard to the fact there is no provision for re-investigation of the case under the Code of Criminal Procedure and in this situation, it is not proper to direct the State for reinvestigation in exercise of the Constitutional power under Article 226. Hence, I do not find any merit to entertain this petition. However, the petitioners have the remedy to move the appropriate authority for further investigation.

With this observation, this petition is dismissed.

m.p.

(Gopal Prasad, J)

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